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**San Francisco Police Department**

**To:** Acting Captain William Braconi  
Commanding Officer  
Risk Management Office

APPROVED YES NO  
Lt. R. Andrew Cox #287 ☐  
Acting Captain ☒  
Lt. William Braconi #2246 ☒

**From:** Lieutenant R. Andrew Cox  
Commanding Officer  
Internal Affairs Division

**Date:** May 31, 2017

**Subject:** Officer Involved Shooting #15-003: Administrative Investigation

**Involved Members:** Officer Craig Tiffe #1312  
Officer Eric Reboli #1651

**Incident Report:** 150-178-555

**OIS Case Number:** OIS 15-003

**Date of Occurrence:** February 26, 2015

**Time of Occurrence:** Approximately 21:44 Hours

**Place of Occurrence:** Sidewalk, in front of [REDACTED] Folsom Street

**Investigator:** Sergeant John Crudo #1694

**Incident Brief**

At approximately 21:44 hours on the evening of February 26, 2015, Mission Station plainclothes officers, Officer Eric Reboli #1651 and Officer Craig Tiffe #1312, responded to 24<sup>th</sup> and Folsom Streets regarding an A-priority call involving a person armed with a knife. When the officers arrived, they saw one man, later identified as Amilcar Perez-Lopez, chasing [REDACTED] around a car. As the officers attempted to detain the men and conduct an investigation, Mr. Perez-Lopez was swinging a large kitchen knife, jeopardizing the other man on scene as well as the officers. Officers Tiffe and Reboli fired their Department-issued firearms at Mr. Perez-Lopez, mortally wounding him.

**Focus of Investigation**

Did Officers Eric Reboli #1651 and Craig Tiffe #1312 use their Department-issued firearms in accordance with Department policy and procedure on the night of February 26, 2015?

**Identified / Involved Parties:**

**Involved Member:**

Officer Eric Reboli #1651 (3D39)

Date of Hire: [REDACTED]

Shift: [REDACTED]

Officer Craig Tiffe #1312 (3D39)

Date of Hire: [REDACTED]

Shift: [REDACTED]

**Reportees/Witnesses:**

Then-Captain Daniel Perea #474 (3D300)

[REDACTED]

Shift: [REDACTED]

Officer Joshua Cabillo #1014 (3D14D)

Date of Hire: [REDACTED]

Shift: [REDACTED]

Officer Domonique Ellis #1614 (3D14D)

Date of Hire: [REDACTED]

Shift: [REDACTED]

Officer Joseph Obidi #2328 (3D74)

Date of Hire: [REDACTED]

Shift: [REDACTED] (3D16C)

Housing Overtime: [REDACTED] (3D74)

Officer Michael Mayo #2308 (3D75)

Date of Hire: [REDACTED]

Shift: [REDACTED] (3D75)

IAD SUMMARY REPORT—OIS #15-003

[REDACTED] [victim]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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IAD SUMMARY REPORT—OIS #15-003

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IAD SUMMARY REPORT—OIS #15-003

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IAD SUMMARY REPORT—OIS #15-003

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[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Suspect:**

Name: Amilcar Perez-Lopez

Sex/Race: Male/Hispanic

Height/Weight: [REDACTED]

Birthdate (Age): [REDACTED]

Address of Record: [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

- [REDACTED]

**Investigative Chronology:**

Refer to Attachment 1.

**INVESTIGATIVE FINDINGS**

The following investigative findings rely substantially upon statements obtained from the involved officers, witness officers, and civilian witnesses. The investigative findings incorporates information developed through additional sources related to the criminal and administrative investigations of this incident, including the incident reports; physical evidence; CSI reports and analysis; DEM CAD and audio records; and studies and data related to human performance in lethal encounters; the criminal investigative findings memorialized by Sergeant Anthony Ravano (then of the Homicide Detail) in his investigative summary and the investigative findings of the District Attorney as summarized in the report titled, *Summary of Investigation and Legal Analysis of the Fatal Shooting of Amilcar Perez-Lopez on February 26, 2015*, released on April 12, 2017.



**Incident Overview**

On February 26, 2015, Officers Craig Tiffe #1312 and Eric Reboli #1651, assigned to Mission District plainclothes investigations were working together as regular partners under the call sign 3D39. The officers' shift was [REDACTED]. The officers were operating an unmarked, silver police vehicle, near 24<sup>th</sup> Street and Harrison Streets.

Officer Reboli was driving; he was wearing a dark grey hoodie over a black tee shirt, khaki pants, and black skate shoes. He is right-handed.

Officer Tiffe was in the front passenger seat; he was wearing a black flat-billed baseball cap with a Bat-man logo, a black wind breaker over a black tee shirt, blue jeans, and black skate shoes. Officer Tiffe is right-handed.

At approximately 21:44 hours, the officers responded with other Mission units to a call of a person with a knife on the 2800 block of Folsom Street. According to DEM Dispatch, the reporting party was heard to yell at someone, "He's running with a knife over there." The caller stated that a male, approximately 30 years old, armed with a 12-inch knife—approximately 5'5" with a medium build, wearing a light jacket and beanie—was chasing a [REDACTED] whom [REDACTED] described as approximately [REDACTED] and wearing a beanie. The caller stated that the [REDACTED] were yelling at each other in [REDACTED].

[REDACTED] would later tell investigators that [REDACTED] had been walking [REDACTED] bicycle southbound on the east sidewalk of Folsom Street, when the suspect—Amilcar Perez-Lopez—approached [REDACTED] and offered to buy [REDACTED] bike. [REDACTED] initially refused, then offered to sell the bike for \$50. [REDACTED] stated that Mr. Perez-Lopez countered [REDACTED] with a \$20 offer, which [REDACTED] refused. [REDACTED] stated that Mr. Perez-Lopez became upset and produced a large silver knife, demanding the bike. [REDACTED] believed Mr. Perez-Lopez wanted to harm [REDACTED], so [REDACTED] dropped the bike and began running from Mr. Perez-Lopez. [REDACTED] started running around a vehicle parked on Folsom Street to gain separation from Mr. Perez-Lopez. [REDACTED] vaulted over the hood of a car, as Mr. Perez-Lopez remained in pursuit, yelling something such as, "Hey, wait, wait, wait." [REDACTED], believed that Mr. Perez-Lopez wanted to stab [REDACTED] and answered to the effect of, "Why would I stop? For you to kill me?"

Other accounts of the events that triggered Mr. Perez-Lopez's deadly pursuit of [REDACTED] were obtained by the Office of the District Attorney and reported in the press. These are mentioned in the District Attorney's summary report, which states that [REDACTED] of

Mr. Perez-Lopez reported to District Attorney Investigators that the argument actually started because [REDACTED] challenged Mr. Perez-Lopez regarding [REDACTED] residence at [REDACTED]. [REDACTED] reportedly barred Mr. Perez-Lopez from entering the premises. According to this version, Mr. Perez-Lopez ran into the house, grabbed a knife, and began chasing after [REDACTED] yelling, in effect, "Aren't you macho!" MUNI bus video appears to show two [REDACTED] who appear to be [REDACTED] and Mr. Perez-Lopez facing off at the gate of [REDACTED].

In either case, [REDACTED] and Mr. Perez-Lopez became embroiled in an argument that escalated until Mr. Perez-Lopez began chasing [REDACTED] while brandishing a large knife. [REDACTED] believed that Mr. Perez-Lopez was going to kill [REDACTED], a witness who had been [REDACTED] in the area and phoned 911, saw the knife and believed that Mr. Perez-Lopez intended to inflict harm on [REDACTED] later telling investigators, "This was not just a fight. [Mr. Perez-Lopez] had a serious look, like 'I'm going to get [REDACTED].'" Regardless of the underlying cause of their argument, Mr. Perez-Lopez had armed himself with a knife and was chasing [REDACTED], apparently intent on attacking [REDACTED] with the deadly weapon.

Because the officers were in near the location when the call was dispatched, Officers Reboli and Tiffe arrived on scene quickly. They did not activate lights and sirens, because of the short distance. Heading west on 25<sup>th</sup> Street, the officers made a right turn (north) onto Folsom Street. From his driver's seat, Officer Reboli pointed out two [REDACTED] who matched the description to Officer Tiffe. The two subjects were facing each other from opposite sides of a parked and unattended vehicle parked mid-block, against the eastern curb of Folsom Street. The [REDACTED] on the driver's side of the parked vehicle [REDACTED] was facing [REDACTED] [REDACTED] on the passenger side ([REDACTED] Amilcar Perez-Lopez).

Officer Reboli stopped and parked the vehicle. The officers got out and separated, each approaching one of the subjects. Officer Reboli, from the driver's side, approached [REDACTED]. Officer Tiffe, from the passenger side, approached the Perez-Lopez.

As Officer Tiffe approached Perez-Lopez, the subject had his chest positioned toward the driver's side of the car, in the direction of [REDACTED]. Officer Tiffe could only see the left side of Perez-Lopez's body as he headed toward him. Mr. Perez-Lopez turned his head to look directly at the approaching officer; Officer Tiffe's attention was captured by "a blood-lust, crazed look on his face." Officer Tiffe announced himself as a police officer,

moving past the rear bumper of the parked vehicle, toward Mr. Perez-Lopez. He ordered Mr. Perez-Lopez to back away from the car.

Mr. Perez-Lopez did not move and did not comply with Officer Tiffe's orders; he continued to stare at the approaching officer. Officer Tiffe wanted to make sure that he was able to communicate with Mr. Perez-Lopez. He used hand gestures to identify himself, holding his star outward to clearly show it to Mr. Perez-Lopez. From his experience in the Mission District, such efforts have enabled communication with non-English speaking subjects and helped deescalate tense encounters.

As Officer Tiffe approached, Mr. Perez-Lopez raised his left arm toward the officer. Mr. Perez-Lopez kept his right arm lowered along the right side of his body and completely out of view of the officer. Officer Tiffe grabbed Mr. Perez-Lopez's raised left arm with his left hand and moved his right hand to the inside area of Mr. Perez-Lopez's upper right shoulder blade. He hoped that contact would break Mr. Perez-Lopez's focus, and he believed that he could transition to a control hold from this position, if necessary.

Officer Tiffe initially attempted to lead Mr. Perez-Lopez back, away from the car, but Perez-Lopez resisted the effort. He could now see that Mr. Perez-Lopez was holding an unidentified object in his right hand. Recognizing this, he ordered Mr. Perez-Lopez on the ground, to no avail. Officer Tiffe attempted to take Mr. Perez-Lopez to the ground, using an arm bar takedown. As he attempted this, Mr. Perez-Lopez swung toward the officer, lunging at him with his right hand. Unbeknownst to Officer Tiffe, Mr. Perez-Lopez was holding a butcher knife in that hand.

Officer Tiffe recognized the assaultive action and attempted to disengage from Mr. Perez-Lopez, pushing about 3 feet away from the suspect in order to gain some distance. As he did so, Mr. Perez-Lopez's right arm arced upward, travelling inches away from Officer Tiffe's chest, in an upward, crossing motion. In his periphery, Officer Tiffe noticed Officer Reboli, moving toward him. Having separated and gained distance, Officer Tiffe could see plainly that Perez-Lopez was actually swinging a "very large knife" in his right hand in a broad side-to-side sweeping motion. Officer Tiffe drew his firearm and ordered Mr. Perez-Lopez to stop and drop his weapon.

After exiting their car, Officer Reboli had contacted [REDACTED] on the driver's side of the parked vehicle, initially intending to detain [REDACTED] and investigate the situation. He approached [REDACTED] identified himself, saying "Police," and began to direct [REDACTED] over to

the curb. [REDACTED] was cooperative and compliant; he noticed that Officer Tiffe was speaking to the other subject, though he did not hear what was being discussed. While he was moving with [REDACTED] however, Officer Reboli noticed Officer Tiffe now “engaged in a struggle” with the other party. Officer Reboli directed [REDACTED] to the sidewalk, and ran over to assist his partner.

Running toward Officer Tiffe, Officer Reboli closed within 5 to 6 feet of the struggle when he saw Officer Tiffe lunge backward abruptly, with his hands raised, palms out. Officer Reboli then saw the flash of a “very large silver knife.” Officer Reboli believed that Officer Tiffe had been slashed by Perez-Lopez, who continuously swept the knife, from side to side, across the front of Officer Tiffe.

Mr. Perez-Lopez then stopped advancing toward Officer Tiffe and pivoted in the direction of Officer Reboli. Mr. Perez-Lopez advanced toward Officer Reboli, making slashing motions with the knife. Officer Reboli drew his OC spray and his firearm, and began issuing commands, to the effect of ‘Police! Drop the knife!’ The suspect continued to slash in large arcs as he advanced toward the front end of the parked vehicle, near where Officer Reboli had last been in contact with [REDACTED]. Officer Reboli continued to see the flashing silver blade of Perez-Lopez’s knife.

Officer Reboli stated that he was fearful that his partner had already been injured and was in danger of further injury or death. He also stated that he was fearful for his own life, as Mr. Perez-Lopez advanced on him waving the deadly weapon. He also stated that he knew that [REDACTED] was “still in very close proximity.” He was fearful that [REDACTED] life was also in immediate danger. Officer Reboli fired on the advancing suspect. As he started to fire, Mr. Perez-Lopez swung away from Officer Reboli and moved toward the street, where [REDACTED] had been.

Officer Tiffe saw the suspect advancing toward Officer Reboli and feared that his partner was about to suffer a deadly assault when he heard gunshots. He saw Mr. Perez-Lopez’s knife raised up higher, and Mr. Perez-Lopez turn toward the street, in [REDACTED] direction. He believed that Mr. Perez-Lopez was “going after the other [REDACTED]”

Officer Tiffe was fearful that Mr. Perez-Lopez, who had assaulted him and his partner with a deadly weapon was about to attack [REDACTED]. Officer Tiffe fired once at Mr. Perez-Lopez.

Mr. Perez-Lopez stumbled forward onto the street and collapsed in front of the parked vehicle. The officers radioed shots fired, and other officers just arriving on scene—having responded to the initial Person with a Knife call—heard the gunfire.

The first unit to arrive on scene after the shots were fired was 3D14D (Officers Cabillo #1014 and Ellis #2189). Officers Cabillo and Ellis approaching the call from 24<sup>th</sup> Street less than a block away from the intersection with Folsom Street when they heard the sound of gunfire. They turned south onto Folsom. Officer Ellis—driving a marked police vehicle—stopped, parked the car, and called a “Code 33” (emergency) to broadcast shots fired. Then Officer Ellis sprinted south on Folsom Street. She saw one suspect on the ground and plainclothes officers were near him. She saw a second suspect, [REDACTED] by the passenger rear tire of the blue Nissan Rogue. She handcuffed [REDACTED] and started to pat search [REDACTED] a second officer arrived and assumed control of the search. No weapons were located on [REDACTED], who told Officer Ellis, in English, “I have nothing” while she searched [REDACTED].

Officer Reboli handcuffed Mr. Perez-Lopez before crossing to the east side of Folsom Street to ensure that there had not been any other injuries. He rejoined Officer Tiffe, checking on his well-being, then directing him to radio their location. He then noticed other officers were on scene.

Officer Cabillo, in the front passenger seat, got out as soon as the car stopped, and ran along the west sidewalk of Folsom Street. Having heard shots fired in the area, from an unknown source and location, he drew his firearm, scanning to identify where the shooting may have occurred. He then caught sight of three or four people near the east curb line; one subject was face down, and he recognized Mission plainclothes officers. As he approached them, he saw a knife on the ground, a few feet from the prone suspect’s head. Officer Cabillo radioed for an ambulance, and Officer Obidi began performing CPR on Mr. Perez-Lopez, who had an apparent gunshot wound to his chest. Officer Cabillo then went over to [REDACTED] who stated that [REDACTED] was nearly robbed of [REDACTED] bicycle and the officers had saved [REDACTED] life.

3D74 (Officers Joseph Obidi #2328) and 3D75 (Officer Michael Mayo #2308) arrived on scene immediately after 3D14D, heading north on Folsom Street. Officers Obidi and Mayo saw Mr. Perez-Lopez face down, partially in Folsom Street. They saw the 3D39’s northbound facing silver unmarked Crown Victoria, parked approximately in front of [REDACTED] Folsom Street, as well as the 3D14D’s parked radio car.

Officer Mayo, the driver, got out of the car and saw Officer Ellis in the act of detaining [REDACTED] and went to assist her. After [REDACTED] was handcuffed and searched, Officer Mayo went over to the area where Mr. Perez-Lopez had collapsed, about 25 feet from [REDACTED] position. Officer Obidi was performing CPR. Officer Mayo saw the knife laying in the roadway and remained with the knife in order to mark and secure the evidence, until relieved.

Officer Obidi, the passenger, got out and saw Mr. Perez-Lopez face down and bleeding. Officer Cabillo told Officer Obidi that the suspect was shot. Officer Obidi turned Mr. Perez-Lopez over, onto his back. Mr. Perez-Lopez was unresponsive, Officer Obidi could not detect a pulse and began CPR until he was relieved by SFFD Medic #71.

SFFD paramedics had been requested to the scene at 21:48:30, arriving on scene at 21:52:38. The paramedics determined that Mr. Perez-Lopez was beyond resuscitative efforts. The body of Mr. Perez-Lopez was covered with a yellow emergency paramedic blanket.

Sergeant Anthony Montoya #1522 arrived on scene and obtained public safety statements from the involved officers. The officers were separately transported to Mission Station and monitored. Officer Elia Lewin-Tankel #4343 transported Officer Reboli; Officer John Silvestri #4351 transported Officer Tiffe.

Responding officers cordoned off and secured the crime scene, securing the 2800 block of Folsom Street. Officers canvassed the scene attempting to locate and identify any witnesses or victims, cameras, and evidence.

Investigators from the Homicide Detail arrived and took over the investigation. Sergeant Anthony Ravano #929 was the lead criminal investigator, assisted by Sergeants Alan Levy #4216, Christopher Canning #269, and Daniel Dedet #101, all of the Homicide Detail. District Attorney Lieutenant Carlos Sanchez and Investigators Henry McKenzie and Ray Tang, along with Assistant District Attorney Michael Sullivan, responded from the District Attorney's office. Investigators from Internal Affairs (Sergeants John Crudo #1694 and Jayme Campbell #759) and the Office of Citizens Complaints (Assistant Director Erick Balthazar and Senior Investigator Steve Ball) also responded to the scene.



**Crime Scene**

The scene of this incident was the 2800 block of Folsom Street, between 24<sup>th</sup> and 25<sup>th</sup> Streets, approximately in front of [REDACTED] Folsom Street, on the sidewalk and street (east side). This is primarily a residential neighborhood, and this block is largely composed of multi-story residential buildings. Folsom Street measures 52'3" in width, accommodating two-way vehicle traffic, as well as parallel parking on both sides of the street. Two vehicle were parked and unattended in this immediate area, positioned against the eastern curblin and facing north: a silver Toyota Camry XLE ([REDACTED]) and a blue Nissan Rogue ([REDACTED]).

The night of February 26, 2015 was cool and breezy, with clear skies. Artificial and ambient natural light provided some illumination of the area; a street light located on the west side of the street ([REDACTED] Folsom Street and across from [REDACTED] Folsom Street) flickered intermittently.

Mr. Perez-Lopez lay on his back (face-up), with his hands cuffed behind him. He was wearing a gray hoodie, gray shirt, blue jeans over blue shorts, and white and gray athletic shoes. A grey flat-billed baseball cap lay southwest of the decedent's head. Blood pooled to the south of Mr. Perez-Lopez.

The Medical Examiner was notified of Mr. Perez-Lopez's death by DOC at 22:13 hours. Office of the Medical Examiner investigators Adam Hellman #109 and Kris Macferren #123 arrived on scene at 23:10 hours and entered the scene at 23:36 hours, assuming custody of the decedent. Assistant Medical Examiner Ellen Moffatt also responded to the scene.

ME investigator Hellman took inventory of the possessions on Mr. Perez-Lopez person. A cellphone was located on the remains and seized by Investigator Hellman. Investigator Hellman turned over Mr. Perez-Lopez's phone to Homicide investigators at the scene. The Medical Examiner investigators conducted a gunshot residue test at the scene, bagging and securing the Mr. Perez-Lopez's hands thereafter.

CSI documented, processed, and seized identified evidence at the scene, including:

- Three (3) .40 caliber casings from the eastern sidewalk, north of [REDACTED] Folsom Street;

- One (1) .40 caliber casing from the sidewalk, near a planted tree, in front of [REDACTED] Folsom Street;
- One (1) .40 caliber casing from the Folsom street, located underneath the silver Toyota;
- One (1) .40 caliber casing from a front step at [REDACTED] Folsom Street;
- A 12-inch silver knife (8-inch blade), positioned on the street southwest of Mr. Perez-Lopez's body and west of the front driver's side wheel of the parked, blue Nissan;
- A bicycle, laying down on the sidewalk in front of [REDACTED] Folsom Street;
- A fired bullet from the asphalt in front of [REDACTED] Folsom Street.

CSI also documented the location of two identified bullet strikes to the front of [REDACTED] Folsom Street.

#### **Computer assisted Dispatch (DEM) Records and Recordings**

Certified CAD (CAD 150573705 and 150573716) and recorded audio communications were obtained from DEM for this investigation. A timeline of events derived from these documents is as follows:

- 21:44:10** Initial record opened: 222 ("Person with a Knife") reported at 24<sup>th</sup> and Folsom Streets.
- 21:44:39** Caller is overheard telling someone, "He's running with a knife over there."
- 21:45:07** The call is broadcast by Dispatch. The person with the knife is chasing [REDACTED] [REDACTED] both subjects are described as approximately [REDACTED] and wearing beanies.
- 21:45:37** 3D14E begins response as the primary unit (Officers John Silvestri #4357 and Elia Lewin-Tankel #4343).
- 21:45:58** Additional information is broadcast, reporting the subjects possibly [REDACTED] [REDACTED]. Both the suspect and victim are [REDACTED] [REDACTED] adults, yelling in [REDACTED]
- 21:46:16** Officers Reboli and Tiffe (3D39) begin response as a back up to 3D14E.
- 21:46:43** Additional information is broadcast, reporting that the suspect's knife is approximately 12-inches long. The suspect has a medium build and light jacket; both subjects appear to be in their 30's.



- 21:47:14** 3D14D (Officers Cabillo and Ellis) radios that they are in the area.
- 21:47:21** ShotSpotter activates, recording yelling sounds followed by five gunshots. The identified address is [REDACTED] Folsom Street. Gunfire was recorded in [REDACTED] -1-1 call at approximately 21:47:21-22.
- 21:47:24** 3D14D clears the air for an emergency, reporting shots fired.
- 21:47:49** DEM broadcasts that 4 or 5 consecutive shots over the open line and updates the call to a “216” (shots fired).
- 21:48:03** 3D14D requests a “408” (ambulance) for a [REDACTED]-year male with a gunshot wound to the chest and reports that the involved officers are not injured.
- 21:48:31** 3D14D notifies 3D113 (Sergeant Anthony Montoya) that this is an OIS.
- 21:52:38** SFFD Paramedics on scene.
- 22:03** Medical Examiner notified of death.

Approximately 65 seconds elapsed between when Officers Reboli and Tiffe, responding from 24<sup>th</sup> and Harrison, put themselves on the run to the time shots were fired. Approximately 43 seconds after the sound of shots fired at 21:47:21, Officers requested an ambulance to the scene.

### **Criminal Investigation**

Upon notification of the Officer Involved Shooting, the Homicide Detail of the San Francisco Police Department initiated a criminal investigation into the incident. The investigation was led by Sergeant Anthony Ravano of the Homicide Detail. Inspector Cagney’s investigative summary report and the District Attorney’s findings were obtained and reviewed as part of the administrative investigation.

Members of the SFPD conducted several neighborhood canvasses on the night of the shooting; Homicide Detail and District Attorney Investigators conducted repeated follow-up canvasses in the days following the incident. Numerous witnesses were so identified and statements taken. In addition, cameras were identified, and video collected from residences, MUNI busses, and businesses.

### **Crime Scene Investigations**

CSI responded to the scene to memorialize the scene and collect identified evidence. Members from Crime Scene Investigations included Inspector Ronan Shouldice #2054,

Officer Deni Nibungco #2390, Officer Imran Shakur #2476, and Officer Dennis Rodelas #729. Officer Rodelas prepared a Crime Scene Report documenting the scene and actions taken. Measurements, photographs, and video were taken to memorialize the condition and location of the scene and the evidence within.

Officer Tony Gomes #911 (CSI) prepared a scale diagram of the scene using measurements taken by Inspector Shouldice at the scene. Crime Scene Investigations memorialized the scene and evidence in video, photograph, and diagram, and prepared a report regarding the response to the incident.

Officers Nibungco and Shakur responded to Mission Station, where Officer Tiffe and Reboli had been separately transferred and monitored. They were joined by personnel from the SFPD Range. Officer Tiffe's and Officer Reboli's firearms were separately collected by Officers Nibungco and Shakur. Each firearm was inspected, its condition photographed and documented, and a round count conducted before being transported to the Criminalistics Laboratory.

During this process, CSI investigators noticed blood stains on equipment Officer Reboli was wearing and collected the following as evidence from Officer Reboli's person: holster, belt, pants, Giant's T-shirt, Hurley hoody, and yawara stick.

#### *Firearms Examination*

Officers Ninbungco and Shakur (CSI) responded to Mission Station on the evening of February 26, 2015, where they were joined by Sergeant Andy Ting #1269, the SFPD Range Master. Officers Ninbungco and Shakur took separately possession of Officer Reboli's and Officer Tiffe's firearms. Sergeant Ting issued both officers replacement firearms at that time.

As documented in the corresponding Firearm Information Report, Officer Reboli had one firearm in his possession: his Department-issued .40 caliber Sig Sauer P226 handgun (██████████). The chamber of this weapon was loaded with one .40 caliber Winchester S&W cartridge, and there were seven (7) cartridges in the magazine that was loaded into this weapon. Officer Reboli had one additional magazine on his person, fully loaded with twelve (12) rounds. This weapon, the magazines and the ammunition were photographed by CSI before their collection and delivery to the SFPD Criminalistics Laboratory for examination and analysis.

As documented in the corresponding Firearm Information Report, Officer Tiffe had one firearm in his possession: his Department-issued .40 caliber Sig Sauer P226 handgun [REDACTED]. The chamber of this weapon was loaded with one .40 caliber Winchester S&W cartridge, and there were eleven (11) cartridges in the magazine that was loaded into this weapon. This weapon, the magazine and the ammunition were photographed by CSI before their collection and delivery to the SFPD Criminalistics Laboratory for examination and analysis.

Criminalist II Mark Proia, Firearm and Tool Mark Unit, conducted the examination on the firearms issued to Officers Reboli and Tiffe on September 24, 2015.

Officer Reboli's firearm, Sig Sauer Model P226 [REDACTED] was examined and found to be functional and trigger pull was within manufacturer's specifications. Officer Tiffe's firearm, Sig Sauer Model P226 [REDACTED] was examined and found to be functional and trigger pull was within manufacturer's specifications.

Mr. Proia examined the spent .40 caliber S&W cartridge casings recovered from the scene. Of the six (6) casings recovered, five (5) casings were determined to be fired from Sig Sauer [REDACTED] (Officer Reboli) and one casing was fired from Sig Sauer [REDACTED].

Mr. Proia examined additional ballistic evidence forwarded to the Criminalistics Lab, including several lead fragments, bullets and bullet cores recovered at the scene as well as those subsequently by the Office of the Medical Examiner. Four recovered bullets, and one bullet jacket, were positively identified as having been fired from Officer Reboli's weapon. Other evidence either were not suitable for testing or lacked sufficient individual characteristics to conclusive determine whether it had been fired by Officer Reboli's or Officer Tiffe's weapon.

#### *DNA*

Bode Cellmark Forensics (Lorton, VA) conducted DNA testing on blood and water swabs taken at the scene, as well as the handle of the knife seized at the scene.

In a report dated June 22, 2015, DNA Analyst I Catharine Roller, MSFS determined that no DNA samples were obtained from the handle of the knife or the water sample. The blood sample was a match for Mr. Perez-Lopez.

*Cell Phones*

- Mr. Perez-Lopez

Mr. Perez-Lopez's cellphone—a Samsung SGH-M1919N Galaxy S4 (IMEI [REDACTED])—was located in a pocket at the scene by Medical Examiner investigators. Dr. Moffatt turned this phone over at the scene to Sergeant Daniel Dedet of the Homicide Detail.

Mr. Perez-Lopez's cellphone was turned over to Sergeant Canning (Homicide Detail) who submitted a request to the Multimedia Evidence on February 27, 2015 Unit in order to extract all electronic storage information on the phone, "in order to facilitate notification of the next of kin."

- [REDACTED]

[REDACTED] consented to provide his cellphone to Homicide Detail investigators, who reviewed the text messages [REDACTED] sent to [REDACTED] when [REDACTED] heard the shots fired. The review of the phone corroborated [REDACTED] t.

*Video Evidence*

On the evening of the incident, officers canvassed the area for video cameras, in search of any recordings of the events of the incident. In the days following, criminal investigators followed up with more canvasses of the area, as well possible mobile sources of video data, including San Francisco Municipal Railway (MUNI) buses and taxi services. Relevant video was obtained from [REDACTED] e, on the southwest corner of Folsom and 24<sup>th</sup> Streets [REDACTED] 24<sup>th</sup> Street), as well as from MUNI. None of the videos obtained captured the shooting itself; however, the obtained video evidence provides relevant information with respect to timeframes and enables investigators to clarify or corroborate reportees accounts of events.

- [REDACTED] Video

The [REDACTED] is time stamped; it was determined that the time stamp for the [REDACTED] video is 9 minutes, 29 seconds ahead of verified time stamps of other evidence. [REDACTED] has a camera that overlooks the bus stop at 24<sup>th</sup> and Folsom, where [REDACTED] was waiting for a bus, and where [REDACTED] placed [REDACTED] call to 9-1-1.

Video from [REDACTED] captures the following relevant activity. (The time shown is the verified time published by the District Attorney):

- 21:43:53 [REDACTED] runs south on Folsom Street to the bus stop and appears to speak to the driver of a MUNI 67 bus stopped there. When the bus leaves, [REDACTED] is talking on a cellphone and looking south on Folsom Street and backing up.
- 21:44:38 [REDACTED] approaches within a few yards of [REDACTED] at the bus stop. [REDACTED] appears to be looking south on Folsom Street as well.
- 21:47:16 A third person is visible walking south on Folsom Street.
- 21:47:19 A marked radio car heads south on Folsom Street.
- 21:47:21 The third person turns and runs north on Folsom Street; [REDACTED] drops to the ground before running north on Folsom Street; [REDACTED] looks south down Folsom Street.
- 21:47:25 A black and white radio car (3D14D) stops south of the bus stop. The male officer on the passenger (Officer Cabillo) exits immediately, and heads south on the east sidewalk. The female officer (Officer Ellis) operating the vehicle remains in the vehicle for approximately 3 more seconds before exiting the car and heading south.

- San Francisco Municipal Railway Video

Investigators obtained and reviewed numerous videos from MUNI buses equipped with multiple cameras that had operated in the area. Although none of the cameras captured the Officer-involved shooting, some recordings yielded relevant information to investigators as summarized below. (The time shown is the verified time as published by the District Attorney.)

*Northbound 12 Bus*

- 21:39:21 Passing [REDACTED] Folsom, bus video captures [REDACTED] described in the DA report as “matching the descriptions of [REDACTED] and Perez-Lopez standing near the steps to the house.” The DA speculates that this may be

an image of [REDACTED] and Mr. Perez-Lopez at that outset of their confrontation, as described by [REDACTED]

*Southbound 67 Bus*

- 21:43:51 While stopped at Folsom Street stop, the bus video captures [REDACTED] approaching from the south on Folsom Street, on [REDACTED] cell phone.
- 21:43:58 A person hails, "Hey!" The bus driver opens the door and asks [REDACTED], "What's that?" [REDACTED] responds, "He's running with a knife over there. [REDACTED] [REDACTED] [REDACTED] [REDACTED] The driver advises [REDACTED] to phone the police, closes the bus door and drives south on Folsom.
- 21:44:28 The 67 bus passes the area of [REDACTED] Folsom. A [REDACTED] matching the description of [REDACTED] is positioned on the street, looking southeast, where Mr. Perez-Lopez is standing on the sidewalk.

*Witness Photograph*

A contemporaneous photograph was taken by a [REDACTED] [REDACTED]. This photograph was presented by DAI investigators during follow-up interviews conducted with Officers Cabillo and Ellis, and it was referenced and reprinted in the DA's report, Summary of Investigation and Legal Analysis of the Fatal Shooting of Amilcar Perez-Lopez. However, District Attorney investigators declined to share the original photograph with SFPD investigators and did not identify the photographer.

The photo captures someone apparently administering CPR to Mr. Perez-Lopez from a crouching position. Mr. Perez-Lopez is lying on his back, with his torso in the street and legs between the blue Nissan Rogue and the silver Toyota Camry. A silver item is visible in the street, several feet west of the front driver's side tire of the Nissan Rogue, in a position corresponding to where involved officers and witnesses stated that they saw the suspect's knife after the shooting.

At the rear of the blue Nissan, seated near the east curb, is a [REDACTED] identified by the District Attorney's office as [REDACTED] appears to be speaking with a uniformed police officer.

Officers Tiffe and Reboli are visible in the photo, separated from each other. Officer Tiffe is several feet west of the rear driver's side tire of the Nissan Rogue. Officer Reboli is in the street, south of the Nissan Rogue and west of the curb line. He appears to be speaking with a uniformed officer.

The photograph is consistent with accounts provided by the involved officers and witnesses regarding the immediate actions following the shooting.

#### *ShotSpotter Data*

The ShotSpotter system activated at 21:47:21 hours when the officers fired their weapons. Four ShotSpotter sensors [REDACTED] [REDACTED] recorded five shots fired. ShotSpotter derived a location of occurrence as [REDACTED], identified by the street address of [REDACTED] Folsom Street. The system also picked up and recorded the sound of yelling voices preceding the gunfire.

[REDACTED] the 9-1-1 caller, was [REDACTED] when [REDACTED] first observed the incident. [REDACTED] was wearing a [REDACTED] which reveals [REDACTED] movement and location throughout this incident, was downloaded and reviewed. [REDACTED] consistent with reported locations of this witness-reporter.

#### Criminal Investigation Interviews

Summaries here are based on statements taken by San Francisco Police Department criminal investigators and/or information that the District Attorney made available to SFPD Homicide Detail investigators. The interviews summarized do not include all witnesses interviewed by the District Attorney; refer to the District Attorney's report.

Interviews of percipient witnesses for the criminal investigation were conducted by Homicide Detail and by investigators from the Office of the District Attorney (handling the criminal investigation memorialized in incident report 150-178-555). Although requested by the San Francisco Police Department, the Office of the District Attorney declined to provide criminal or administrative investigators all of the information collected and developed in their investigation.



*Officer Eric Reboli #1651*

Officer Reboli cooperated with the criminal investigation, consenting to a recorded, voluntary interview. Sergeant Anthony Ravano and Sergeant Daniel Dedet of the Homicide Detail, Assistant District Attorney Michael Sullivan, and Lieutenant Carlos Sanchez (District Attorney Investigations) conducted this interview on February 27, 2015. Officer Reboli was represented at this interview by POA attorney Peter Furst. At the outset of this interview, Sergeant Dedet reminded Officer Reboli that the interview was voluntary and recorded. The following summary is from this interview.

Officer Reboli was appointed to the Police Department in [REDACTED]. At the time of the incident, he was [REDACTED] and is ambidextrous. [REDACTED].

On the night of the incident, Officer Reboli was assigned to Mission Station plainclothes investigations and was working a 10-hour shift [REDACTED]. Officer Reboli was working with Officer Craig Tiffe, assigned the unit call sign 3-David-39 (3D39). Officer Reboli was driving an unmarked Ford Crown Victoria; Officer Tiffe was in the front passenger seat. Officer Reboli had been issued a Sig Sauer P226 with modified grips, and he was carrying one extra magazine, fully loaded with 12 cartridges, in his handcuff case. He was wearing a dark Hurley hoody over a black SF City tee shirt, beige pants, and black shoes. His star was clipped on the right side of his belt, in front of his holster, in a visible position.

The officers began responding as backup to a call of a male in the area of 24<sup>th</sup> and Folsom, armed with a knife, chasing [REDACTED]. The officers were a few blocks from the location, approximately at 24<sup>th</sup> and Harrison Streets. Officer Reboli drove south to 25<sup>th</sup> Street, then west to Folsom Street, as Dispatch broadcast an update that the [REDACTED] was being chased southbound toward 25<sup>th</sup> Street.

The officers arrived at the intersection of 25<sup>th</sup> and Folsom Streets. Officer Reboli noticed some type of movement on the east side of Folsom Street, mid-block, in what would be the northbound lane of traffic. There appeared to be people running around in the street. Officer Reboli told Officer Tiffe of the observation, then turned northbound onto Folsom Street.

As they approached, Officer Reboli saw a [REDACTED] roughly mid-block on the east side of the street, leaning against a vehicle parked in this area. [REDACTED] was visible on the



sidewalk. Officer Reboli stopped the car one to two car lengths south of [REDACTED], and told Officer Tiffe there was a second person on the sidewalk. The officers exited the vehicle and approached the two subjects.

Officer Reboli approached [REDACTED] leaning on the car. In his peripheral view, he saw Officer Tiffe heading toward the subject on the sidewalk. Officer Reboli announced himself as a police officer as he approached the subject in the street. It was evident that [REDACTED] was out of breath. He placed [REDACTED] in a control hold and detained [REDACTED] he noted that “there was no tensing of [REDACTED] person. [REDACTED] just [REDACTED] seemed to be almost exhausted.” Officer Reboli grabbed the subject, pinning [REDACTED] arms back, and began walking [REDACTED] out of the street. Because they were in a lane of traffic, Officer Reboli told the subject that they were going to move onto the sidewalk for their mutual safety, where Officer Reboli intended to conduct his investigation. He told the subject something to the effect of ‘Let’s get out of the street and figure out what’s going on.’”

Officer Reboli began to guide the detained subject between the two parked cars. Officer Reboli had taken between two and four steps when he noticed that Officer Tiffe was “verbally engaged” with a shorter subject on the sidewalk. The subject was between Officers Tiffe and Reboli, facing Officer Tiffe. Within “a half-second or two” of detaining the first subject, Officer Reboli recognized that Officer Tiffe was actually engaged in a physical struggle with this subject.

Officer Tiffe appeared to be attempting to use a control hold and bring the subject to the ground. He had a hand on the suspect’s shoulder, while grasping at a wrist, as if to spin the suspect and bring him to the ground.

The subject detained by Officer Reboli was saying something to him, but Officer Reboli didn’t understand [REDACTED] Officer Reboli “disengaged” from [REDACTED] and ran to assist Officer Tiffe, while [REDACTED] moved back toward the street-side of the parked vehicle.

As Officer Reboli closed within 5 or 6 feet of the suspect and Officer Tiffe, Officer Tiffe jumped backward and threw his hands up in a defensive posture, with his palms up and outward. Officer Reboli then saw a flash from a large silver knife that the suspect was wielding, in a mid-level, side-to-side slashing motion. The knife was 9 to 12 inches in length, shaped like a steak knife, and appeared to have a serrated blade. It was “a very large silver knife.” Officer Reboli could not recall whether he saw the knife in the suspect’s right or left hand. In the dark conditions, the bright silver blade was flashing

frequently, as the suspect made rapid, repeated slashing motions at Officer Tiffe. In response to a question about whether the suspect might have been trying to create more space to effect an escape, Officer Reboli noted that the suspect continued to press his assault, closing the distance on the officer. "I fully believe he was trying to attack Officer Tiffe."

With Officer Tiffe gaining space from the suspect, and Officer Reboli closing in, the suspect turned headed north near the curb line, toward Officer Reboli. Mr. Perez-Lopez was still aggressively slashing with his knife. "So now he's flailing the knife at me as he's moving." Officer Reboli "lunged myself backwards" to create space, moving toward the middle of the sidewalk, in the area of the front bumper of the blue car.

Officer Reboli believed that Officer Tiffe had been stabbed or cut by the suspect, who was advancing toward Officer Reboli. As he moved forward (north), the suspect looked back and forth, scanning from Officer Reboli to Officer Tiffe. Officer Reboli was aware that the subject he had initially detained was to the suspect's left, on the other side of the car, "in close proximity."

The on-coming suspect was holding the blade upward, aggressively waving the knife toward Officer Reboli. Officer Reboli could see the flashes of the silver blade flashing in the dark. He began to reach for his OC, then changed his mind and transitioned to his firearm, drawing it instead of the pepper spray.

Having drawn his Department-issued firearm, Officer Reboli yelled, "Drop the knife" or "Police, drop the knife" at the suspect. The suspect paused his advance, approximately 4 to 6 feet from Officer Reboli, and approximately 6 to 10 feet from Officer Tiffe to the south.

Officer Reboli saw a flash of the waving knife. He gave a second command to drop the knife. Officer Reboli was fearful that the detained subject's life was endangered, that Officer Tiffe was already assaulted and in further danger, and that he himself was in danger of death or serious bodily injury from the armed suspect.

The suspect "lunged" forward, waving his knife. Officer Reboli fired his Department-issued firearm an unknown number of times at the suspect. As he started to fire, Officer Reboli saw the suspect turning to the west, onto Folsom Street, in the direction of the detained subject.

The suspect took one or two steps between the two parked cars, westbound onto Folsom Street, then collapsed, with his right hand underneath his body. The suspect dropped his knife, which was visible on the street.

Officer Reboli heard a [REDACTED] yelling from across the street that someone had been shot. Officer Reboli realized that at some time during the incident, he'd dropped his PIC radio. He directed Officer Tiffe to put out their exact location. He could hear the engines and sirens of responding units, though "it seemed like it took for...forever that the...before anyone got to the scene."

Officer Reboli moved forward and handcuffed the suspect, who was bleeding. Officer Reboli went across the street to check if there were additional casualties. He found no one injured nor any obvious evidence of a bullet strike, such as broken windows or damaged vehicles.

Officer Obidi was with the suspect, rendering first aid. Officer Reboli recovered his radio and broadcast the location again. He checked on Officer Tiffe, believing that he'd been cut or stabbed, but Officer Tiffe didn't think he'd been injured.

*Officer Craig Tiffe #1312*

Officer Tiffe cooperated with the criminal investigation, consenting to a voluntary interview with criminal investigators, which was recorded. Sergeant Anthony Ravano and Sergeant Daniel Dedet of the Homicide Detail, Assistant District Attorney Michael Sullivan, and Lieutenant Carlos Sanchez (District Attorney Investigations) conducted this interview on February 27, 2015. Officer Tiffe was represented at this interview by POA attorney Michael Whelan. At the outset of this interview, Sergeant Ravano reminded Officer Reboli that the interview was voluntary and recorded. The following summary is based upon this interview.

Officer Tiffe was appointed to the Police Department in [REDACTED]. At the time of the incident, he was [REDACTED] years old; he is [REDACTED] [REDACTED] and is right handed. [REDACTED]

On the night of the incident, Officer Tiffe was assigned to Mission Station plainclothes investigations and was working a 10-hour shift [REDACTED]. Officer Tiffe was working with Officer Eric Reboli #1651, assigned the unit call sign 3-David-39 (3D39).

Officer Tiffe was in the front passenger seat of an unmarked Ford Crown Victoria that Officer Reboli. Officer Tiffe had been issued a Sig Sauer P226. Officer Tiffe was wearing a black baseball cap, black Nike hoodie with a zipper, black tee shirt, dark jeans and Nike shoes; his star—affixed to a chain around his neck—was outside of his outermost hoodie, conspicuously displayed. Officer Tiffe explained that he “always wear[s] it out. The only time I ever conceal it is when I’m doing an operation that would need me to. If I needed to conceal myself in a crowd, I would obviously conceal it.”

Officers Tiffe and Reboli had just gotten a cup of coffee and were driving on 24<sup>th</sup> Street when the Dispatch broadcast a report of a man armed with a knife chasing [REDACTED]. They were last reported running on Folsom, from 24<sup>th</sup> to 25<sup>th</sup>, which was close by. The suspect was described as a Hispanic male, in his [REDACTED].

Numerous units began responding to the scene, and several units were on the air, so Officer Tiffe used the vehicle’s mobile data terminal (MDT) to put his unit on the call, responding as a backup. Officer Tiffe did not recall if they were traveling on 25<sup>th</sup> or 26<sup>th</sup> Street, but they turned right, heading northbound onto Folsom.

Officer Reboli told Officer Tiffe that [REDACTED] were in the vicinity of a car parked nearby. At first, Officer Tiffe only saw one subject “hovering” near the driver’s side mirror. Officer Reboli stopped and parked their vehicle. As he’s getting out of the passenger side, Officer Tiffe can now see the second subject, who is “hovering” near the side view mirror on the opposite side of the parked car. Officer Tiffe noted that [REDACTED] were [REDACTED], similar to the broadcast suspect description.

Officer Reboli moved forward to make contact with the first subject, on the driver’s side. Officer Tiffe approached the second subject, announcing himself as a police officer. The subject was on the sidewalk, near the driver’s mirror of the parked car, facing in a westerly direction, with his chest roughly positioned in the direction of the first subject.

As he approached, Officer Tiffe held up his star that dangled over his jacket from a chain around his neck to identify himself. From his experience working in the Mission, Officer Tiffe has found this to be an effective way of communicating his identity, even to those with limited or no English proficiency. Officer Tiffe got within a car length of the second subject, he was able to the subject’s face. He was taken aback, because “He has this...I don’t even know how to describe it, other than, like...a blood lust-crazed look on his face.”

Officer Tiffe announced himself as a police officer and directed him to move away from the car. The subject did not say anything and did not comply with the commands. He stated

...I actually believe that maybe he...There was no recognition on his face, so I...I either believe...I thought, 'Possibly on something. Possibly so enraged with what he was doing that he couldn't recognize my voice, so at that point, I didn't think verbal command was gonna work. Physical...I'm gonna have to make physical contact with him.

Officer Tiffe stated that he was aware that this was a call related to someone with a knife, but he didn't know [REDACTED] if either, was the subject of the call. He did not see a knife at this time and had not identified the roles of either party.

Approaching from the left side of the subject, Officer Tiffe could not see the right side of the second subject. The subject's right arm was down alongside the right side of his body. The subject raised his left hand, presenting an opportunity for Officer Tiffe to get him to the ground. Officer Tiffe grabbed the suspect with his left hand and pulled and turned, while pushing the subject's back with a right hand placed below the neck, by the left shoulder. He attempted to spin the suspect off balance and use Mr. Perez-Lopez's momentum to get him to the ground and secured. Officer Tiffe ordered the suspect to the ground as he initiated the take-down.

As he began to attempt the take-down, Officer Tiffe could now see that the suspect was holding something in his right hand. While Officer Tiffe swung the suspect in his attempt to bring him to the ground, the suspect stepped forward into the spin and "lunges up at me with his right hand." Officer Tiffe described this as happening very fast.

Officer Tiffe pushed the subject away, attempting to disengage and gain distance. The suspect swiped again, swinging his right arm laterally around the area of Officer Tiffe's chest. As this was occurring, Officer Tiffe thought he could see Officer Reboli in his peripheral vision, coming to assist him from Officer Tiffe's right.

Officer Tiffe's focus, however, was drawn to "a very large knife" that the suspect was wielding. Having swiped the blade laterally at the chest height of Officer Tiffe, the suspect took a balanced fighting stance a foot or two away from Officer Tiffe, holding the knife in his right hand, with the blade pointing upward. He told criminal investigators that at this moment

I think this guy is going to kill me. And I...to be honest, I feel a sense of relief that I...I didn't get stabbed. And I'm praying he drops the knife. I...I don't want to shoot.

Officer Tiffe backed away, drew his firearm, and ordered the suspect to drop his knife, recalling that he said "Put down the knife" or "Put down the knife or I'll shoot." He also heard Officer Reboli yelling, although he could not make out what was being said.

The suspect took a step to the north, in the direction of the approaching Officer Reboli, still menacingly waving his knife in an 'X' pattern. He was near the front of the parked blue Nissan Rogue. "The knife is flowing in the air." Officer Reboli had made his way to the sidewalk at this time, and the officers were effectively triangulated on the suspect, with Officer Reboli approximately northeast of the suspect and Officer Tiffe roughly southeast of the suspect.

Officer Tiffe, now 5 to 6 feet from the suspect, then heard an unknown number of gunshots. When he heard the shots, Officer Tiffe stated that the suspect was on the sidewalk, near the curb, and positioned roughly between the parked Toyota Camry and Nissan Rogue. The suspect began moving toward the street, south and west, and he raised his knife above his head in a stabbing motion. Officer Tiffe could not see the second subject (whom Officer Reboli had initially contacted), but he knew that ■■■ had been positioned in the street. Officer Tiffe believed that the suspect was going after the other subject. "He's going after the ■■■ ■■■"

Believing the suspect was about to assault ■■■, Officer Tiffe fired his Department-issued weapon at the suspect. He had a two-handed grip, but he "point shot," rather than acquire sights. He believes he fired one time; the suspect was within 7 yards of him at this time. Regarding this moment, Officer Tiffe stated:

He's in...he's intent on something. Even with...I hear at least one shot. I still see him raise the knife, and I remember one thing I said to myself right before I pulled the trigger. I said, "Oh my God," and I pulled the trigger. And I said that, because I thought he was gonna harm this other ■■■. I didn't know if ■■■ was right. He was looking at ■■■. The knife comes up, though it wasn't blade down. It was blade up. I didn't know if the ■■■ was right here, within arm's reach of him, or he was going after ■■■, but I saw that he was fixated...



Seeing the suspect fall, Officer Tiffe perceived that the immediate threat had been stopped and did not shoot again.

After firing, things seemed to move in slow motion; he described the sensation as “kind of like out of body experience.” He re-holstered his firearm and grabbed his radio microphone and repeated, “Shots fired.” Officer Reboli handcuffed the suspect.

He didn’t know if his radio was working, and he saw a radio on the ground. He believed the handset had disconnected from his radio. He patted himself down and located his radio; he realized that it was Officer Reboli’s radio that had fallen to the sidewalk.

The first officer on the scene, Officer Cabillo, seemed to Officer Tiffe to be there immediately. Officer Cabillo located the second subject, who was “cowering down on the on the driver’s side, near the driver’s side rear tire.” Officer Cabillo appeared to be comforting the subject.

After the shooting, Officer Tiffe noticed that the knife was on the ground a few feet from where the suspect had collapsed, while officers were performing CPR on the suspect.

*Captain Daniel Perea #474*

Captain Perea, the Commanding Officer of Mission Station, was in full uniform at 18<sup>th</sup> and Castro Streets when he heard units responding to a call of a man armed with a knife chasing [REDACTED]. He then heard a second broadcast reporting shots fired at Folsom and 24<sup>th</sup> Streets. He responded to the scene.

At the scene, he observed officers performing CPR on a subject, lying on the street, partially between two parked vehicles. He saw a silver bike with black tires on the sidewalk.

He saw a [REDACTED] seated on the sidewalk, approximately on car length from the first subject, later identified as [REDACTED]. [REDACTED] appeared visibly upset to Captain Perea. Captain Perea asked [REDACTED] if [REDACTED] was injured, and [REDACTED] stated [REDACTED] was not injured.

Captain Perea asked [REDACTED] what happened [REDACTED], holding [REDACTED] palms about a foot apart, answered, “The guy, he wanted my bike, and he had a knife this big.”

[REDACTED] then stated, “You guys saved my life.” [REDACTED] lowered [REDACTED] head and began to weep.

*Officer Joshua Cabillo #1014*

Officer Cabillo was working uniformed patrol with Officer Domonique Ellis #1614, assigned the call sign 3D14D. A call came out about a subject chasing someone with a knife.

The officers proceeded east on 24<sup>th</sup> Street to southbound Folsom Street. They were about 200 feet south of 24<sup>th</sup> when he heard about 4 to 5 gunshots from an unknown direction.

Officer Cabillo got out of the car, drawing his firearm, and scanned the area. He noticed three to four subjects standing on the east curb, and recognized Mission plainclothes officers. He saw a subject on the ground with his face forward. There was a large knife two to three inches from the suspect's head. Officer Obidi immediately performed CPR on the suspect, who had a gunshot wound in the area of his chest. Officer Cabillo concluded that the officers had fired at the suspect. He radioed for an ambulance.

He became aware of a second subject [REDACTED], and approached [REDACTED] to determine who [REDACTED] was. [REDACTED] told Officer Cabillo, who is a [REDACTED] "Your officer saved my life!" [REDACTED] pointed out the plainclothes officer in tan pants (Officer Reboli) and told Officer Cabillo to tell the officers, 'thank you.' [REDACTED] said that the suspect had been trying to steal [REDACTED] bike.

*Officer Domonique Ellis #1614*

Officer Ellis was working uniformed patrol with Officer Joshua Cabillo #1004, assigned the call sign 3D14D. A '222' (Person with a Knife) call was dispatched. A male with a knife was reportedly chasing [REDACTED]. They proceeded east on 24<sup>th</sup> Street then turned right onto Folsom Street. She then heard shots fired and put the car in Park.

Officer Cabillo exited the vehicle and ran south on Folsom Street, while she radioed a 'Code 33' (Clear the Air for an Emergency Transmission) and reported an on-view '216' (Shots Fired) or '217' (Person Shot). She then got out of her car and heard Officer Cabillo yelling, "Blue on Blue."

She saw a suspect prone on the ground. She went to the suspect, handcuffed [REDACTED] and searched [REDACTED]. As she was handcuffing the suspect, [REDACTED] said, "I have nothing." Another officer arrived, pushed her aside, and took control of the suspect.



There was another suspect on the ground, and she noticed some plainclothes officers in the area. Officer Obidi appeared to be administering CPR to this suspect. Sergeants began to arrive on the scene.

She did not recall hearing any units come up for the 222 call.

*Officer Michael Mayo #2308*

Officer Mayo was working in full uniform as a Housing unit, partnered with Officer Obidi #2328 and assigned the call sign 3D74, when they began responding to a report of a Hispanic male with a knife chasing [REDACTED] adult. While on their way, he heard an officer on scene broadcast "Shots fired."

As they pulled up, Officer Mayo saw one Hispanic male laying on Folsom Street, between two parked vehicles, in front of [REDACTED] Folsom Street. When he got out of the car, he saw Officer Domonique Ellis #2189 attempting to detain a second subject, about 25 feet away from the first subject. He moved toward the second subject to assist Officer Ellis.

He then moved over to the first subject, where Officer Obidi was administering CPR. Officer Mayo noticed a large, silver butcher knife lying in the road, about 5 feet away from this subject and Officer Obidi. Officer Mayo remained with this knife to secure and preserve it, until he was relieved by Officer Nicholas Buckley #1537, who remained with the knife until CSI arrived.

*Officer Joseph Obidi #2328*

Officer Obidi was working in full uniform as a Housing unit, partnered with Officer Mayo #2308 and assigned the call sign 3D74, when he Dispatch broadcast a call of a man with a knife chasing [REDACTED] Officer Obidi heard a police unit broadcast shots fired, as just before their arrival on scene.

Proceeding northbound on Folsom Street from 25<sup>th</sup> Street, Officer Obidi saw an unmarked police vehicle stopped in front of [REDACTED] Folsom Street; there was a marked police vehicle on scene as well.

Officer Obidi saw an adult male lying face down, with his legs were in between the two parked cars, with his upper body in the street. The subject (Mr. Perez-Lopez) was

bleeding from his face. Officer Joshua Cabillo #1014 informed him that Mr. Perez-Lopez had been involved in an Officer-Involved Shooting.

Officer Obidi turned Mr. Perez-Lopez over. He was unresponsive and had no pulse. Officer Obidi began CPR.

While performing CPR, Officer Obidi noticed a large knife approximately three feet from Mr. Perez-Lopez's head.

SFFD paramedics (Medic #71) arrived on scene and took over Mr. Perez-Lopez's aid. Officer Obidi then assisted in canvass efforts before assuming custody of the crime scene log from Officer Larnauti #1996 and maintaining it until he was relieved by Officer Kovitprakornkul #2177.

██████████

██████████ stated that ██████ heard gunshots and yelling. ██████ heard four to five gunshots; two of the shots may have overlapped.

██████████

██████████ stated that ██████ was ████████████████████ at ██████ Folsom Street when ██████ heard 'four rapid popping' noises. ████████████████████ ██████ to see several police cars arriving in the area.

██████████

██████████ identified ██████ as ████████████████████ at the community meeting at Mission Station that followed this Officer-Involved Shooting. ██████ stated at that time that the actions of Mr. Perez-Lopez, as described in the media and the preliminary reports, seemed out of character. ██████ was located and interviewed by Homicide Detail investigators. ██████ stated that ██████ was not in the area at the time of the incident and neither saw nor heard it.

████████████████████

██████████ stated that ██████ was ████████████████████ Folsom Street when ██████ heard tires screeching outside. ██████ then heard four gunshots and someone yelling, "Get on the ground."

[REDACTED]

[REDACTED] was [REDACTED] Folsom Street when [REDACTED] attention was captured by the sound of sirens. Then [REDACTED] heard someone yelling “Get down” and what sounded like four gun shots.

[REDACTED]

[REDACTED] stated that [REDACTED] was [REDACTED] Folsom Street when [REDACTED] heard the sound of gunshots.

[REDACTED]

[REDACTED] was [REDACTED] when [REDACTED] heard three gunshots.

[REDACTED]

[REDACTED] was [REDACTED] when [REDACTED] heard four rapid, loud ‘booms.’

[REDACTED]

[REDACTED] was [REDACTED] Folsom Street at the time of the incident, having just arrived [REDACTED] heard what [REDACTED] recognized as gunshots, approximately four, apparently coming from [REDACTED].

[REDACTED] paused for about five seconds, [REDACTED] A male uniformed officers running from the direction of 24<sup>th</sup> Street with his gun drawn giving commands to “Get the fuck down” or “Get on the ground.” A female officer was getting out of the patrol car.

[REDACTED] saw a person who appeared to be shot and someone looked like he was performing CPR. [REDACTED] saw plainclothes officers walking around with badges hanging around their necks.

An ambulance arrived and the crew took out a gurney and gear bag. [REDACTED] spoke to [REDACTED], who said [REDACTED] didn’t have [REDACTED], but [REDACTED] also heard four shots and saw the same officers.

██████████

██████████ was ██████████ Folsom Street. At 23:47 hours on the night of this incident, ██████████ and ██████████ ██████████ were contacted during a canvass by Sergeant Phillip Gordon #1913 of the Homicide Detail. The ██████████ reported that ██████████ Mr. Perez-Lopez, had ██████████ ██████████ and would normally ██████████ ██████████ by this time. They gave no further indication in the contemporaneous statement that regarding any concerns that Mr. Perez-Lopez had been involved in an altercation or might otherwise have been at risk. At this time, they stated that they didn't see anything and had no knowledge of the incident, but had heard multiple gunshots. ██████████ expressed concern however that Mr. Perez-Lopez might have been the person who'd been shot.

In an interview conducted 10 months later by District Attorney Investigators and summarized in the DA's report, ██████████ provided a different narrative, claiming to have witnessed relevant parts of the incident.

At this time, ██████████ stated that ██████████ was in ██████████ sometime after 21:00 hours when ██████████ ran in and told ██████████ that Mr. Perez-Lopez ██████████ to get a knife, 'because he was going to fight someone in the street.' ██████████ got dressed and went outside with ██████████ hoping to prevent Mr. Perez-Lopez from fighting.

██████████ said that ██████████ ran into the street, and when ██████████ looked to his left, toward 25<sup>th</sup> Street, ██████████ saw Mr. Perez-Lopez walking on the sidewalk toward the house. His hands were at his side, and ██████████ could not see whether Mr. Perez-Lopez had a knife in his hand.

██████████ then saw two men get out of a car behind Mr. Perez-Lopez, with their guns drawn. ██████████ said that the men walked by Mr. Perez-Lopez, and ██████████ could see their fronts. ██████████ did not see a badge or star on either man. ██████████ did not hear them identify themselves as police officers; ██████████ was unsure whether the men were officers.

██████████ saw one of the officers attempt to grab Mr. Perez-Lopez, who slid under the officer. Mr. Perez-Lopez moved in between the parked cars, where ██████████ could no longer see him.

The officer who had attempted to grab ██████████ appeared to drop his flashlight and bend down to pick it up. ██████████ then heard one of the officers yell "Drop the

weapon!" or "Drop the knife!" The command was followed immediately by gunfire. ■■■ stated that the Mr. Perez-Lopez did not have time to drop the knife after commands were given and the shots heard. ■■■ later stated that ■■■ heard the knife drop before ■■■ heard the shots fired.

■■■ estimated ■■■ to be 65 to 100 feet away when the shots were fired. ■■■ could not see all three men when the shots were fired; ■■■ said ■■■ could only see the officers. ■■■ said that ■■■ did not see ■■■ at all.

■■■ said that ■■■ and ■■■ went back ■■■ after the shots were fired. ■■■ came 'right back out again,' and saw two police officers heading over from the 24<sup>th</sup> Street with their guns drawn. One of these two officers came up to ■■■ told ■■■ that ■■■ didn't see anything, and ■■■ needed to go inside ■■■ house. ■■■ returned to ■■■ residence.

*District Attorney Investigators determined that the position of ■■■ and ■■■ would have been approximately 90 feet from the location of ■■■ and Mr. Perez-Lopez. They further determined that the trunk of a large tree would have obstructed or blocked their view, inhibiting the ability of either witness to see "(1) at least some movements made by Perez-Lopez as he travelled north along the passenger side of the blue Nissan before turning and stepping into the street; (2) Perez-Lopez once he stepped between the two parked cars; and (3) ■■■ standing on the driver's side of the blue Nissan."*

■■■

■■■ was ■■■ Folsom Street when ■■■ heard the sound of 6 gunshots fired at a steady pace, followed by the sound of skidding car tires.

■■■

■■■ was ■■■ Folsom Street, ■■■ when ■■■ heard the sound of gunfire.

■■■

■■■ was ■■■ Folsom Street when ■■■ heard the sounds of gunshots and yelling. ■■■ could not make out what was being yelled.

██████████

██████████ was ████ (██████████ Folsom Street) when ████ heard four gunshots.

██████████

██████████ was ████ (██████████ Folsom Street, on the west side of the street. ████ heard yelling from across the street and looked out the window overlooking the street. ████ saw a “little ████” on the sidewalk at the front of a vehicle, and another ████ dressed in black on the street side of the vehicle.

██████████ saw a gray sedan parked and what appeared to be two police officers approaching two subjects, shining their flashlights toward them. One of these subjects was wearing a grey jacket and a black hat; ████ had a bicycle. The other subject was wearing a black jacket.

As the officers approached ████, the subject in the grey jacket began to physically struggle (a “tussle”) with one of the officers; he appeared to be trying to get away. ████ then noticed that someone had a gun and ████. As ████ was moving from ████, ████ heard an unknown number of gunshots. ████ thought that ████ heard the sound of bullets striking ████.

*Two bullet strikes were located by canvassing officers at ████ Folsom Street: ████. ████ A spent bullet was also located on the ground in front of ████ Folsom Street.*

██████████

██████████ was at ████ when ████ heard an authoritative command in a male voice that ████ believed was a police officer. The command was to the effect of “Stop” or “Get down!” About 2 seconds later, ████ heard approximately 5 or 6 gunshots.

It took a moment to register, then ████ got on the floor of ████. ████ heard sirens approaching, and police yelling, so ████ was scared and ████.

██████████ texted ████, “Fuck. Shots fired ████.” ████ checked ████ Twitter account and saw that someone else had heard the gunshots.

Things appeared to calm down, so [REDACTED] and poured [REDACTED] a drink. Officers contacted [REDACTED] asked if [REDACTED] was okay, and asked if [REDACTED] saw anything [REDACTED] wrote a statement for the officers.

[REDACTED] poke to [REDACTED] who told [REDACTED] they saw a body on the ground and someone performing CPR.

[REDACTED] stated that [REDACTED] when [REDACTED] heard a voice outside [REDACTED] apartment telling someone to “Get on the ground.” [REDACTED] then heard what sounded like four or five gunshots. Less than half a minute later, [REDACTED] heard a sound of screeching tires, which [REDACTED] concluded were police officers arriving on scene.

[REDACTED] was [REDACTED] on the 2800 block of Folsom Street [REDACTED] when [REDACTED] noticed [REDACTED] wearing beanies in a heated argument in front of a house on the block that is slightly set back. [REDACTED] believes [REDACTED] and it is a place where people seem to generally hang out and drink.

The [REDACTED] were not speaking in English [REDACTED] did not understand what they were saying to each other. The shorter of the [REDACTED]—who appeared to be in [REDACTED] shorter than 5’11”, and wearing all black clothing and a dark beanie—said something to [REDACTED]

The [REDACTED] also appeared to be more than [REDACTED] was wearing a lighter colored jacket and a dark beanie. [REDACTED] appeared to be running from the house or front yard “very fast” and had an angry look, as [REDACTED] said something in [REDACTED] to the [REDACTED]. [REDACTED] thought it might be an argument over a woman, because the [REDACTED] appeared similar in age.

[REDACTED] noticed that [REDACTED] was holding a large shiny, “chrome colored” knife. The blade looked like it was 2-inches wide and 9-inches long. The [REDACTED] began chasing the [REDACTED] round a car parked on the west side of the street, as they yelled at each other. [REDACTED] thought, [REDACTED] is trying to stab the [REDACTED] and [REDACTED] has nothing to defend [REDACTED] They were about 100 feet from [REDACTED] position.

[REDACTED] moved to the cover of a nearby tree. The two appeared to be locked in a “cat and mouse” chase, and [REDACTED] was surprised that the pursuit was continuing. The [REDACTED] ran toward [REDACTED] position, closing within about 6 feet, as the [REDACTED]

continued to pursue [REDACTED] with the knife. [REDACTED] thought the [REDACTED] was trying to use [REDACTED] as cover, and [REDACTED] worried that they would “get me in it.”

[REDACTED] turned and ran to a bus shelter on Folsom Street, where [REDACTED] phoned 911. There was another [REDACTED] at this bus stop who was also watching the incident. A southbound MUNI bus (on Folsom toward Cesar Chavez) drove into the area and stopped. [REDACTED] described the driver as [REDACTED]. [REDACTED] recalled telling the bus driver that ‘a crazy guy is trying to stab someone with a knife.’

Within two minutes of making the call, [REDACTED] could hear sirens. About four minutes after calling 911, [REDACTED] heard three or four heard gunshots; they sounded as if they came from midblock of Folsom Street, near the house where [REDACTED] first observed the [REDACTED] however [REDACTED] did not see any flashes or anyone firing.

[REDACTED] did not hear anything prior to the gun shots.

[REDACTED]

[REDACTED] stated that [REDACTED] was [REDACTED] [REDACTED] at [REDACTED] Folsom Street when [REDACTED] heard multiple gunshots.

[REDACTED]

[REDACTED] stated that [REDACTED] was [REDACTED] [REDACTED] at [REDACTED] Folsom Street when [REDACTED] heard five to six gunshots.

[REDACTED]

[REDACTED] was walking southbound with [REDACTED] on the east sidewalk of 2800 block of Folsom Street, from 24<sup>th</sup> Street to 25<sup>th</sup> Street. [REDACTED] and were walking back to [REDACTED] the [REDACTED] Folsom Street.

As [REDACTED] walked down the street [REDACTED] noticed [REDACTED] come out of a [REDACTED] house and stand at the gate, in the patio area. [REDACTED] believed there was some kind of tension.

[REDACTED] noticed a bicycle lying on the ground, obstructing the sidewalk. It was very dark here, but [REDACTED] recalled that someone was near a parked car, on the street side; other



people were in the area as well, though [REDACTED] did not recall them with any specificity. [REDACTED] neither noticed a knife nor a car double parked at this time.

[REDACTED] proceeded past the next residence when [REDACTED] heard a command to the effect of 'get down on the ground,' followed by what sounded like four to six gunshots. [REDACTED] then sprinted home without looking back.

[REDACTED] was [REDACTED] when [REDACTED] heard the sound of three rapid gunshots, a short pause, then two more gunshots. [REDACTED] did not see anything or hear anything further.

[REDACTED] stated that [REDACTED] was [REDACTED] Folsom Street when [REDACTED] heard four shots fired.

[REDACTED] stated that [REDACTED] was [REDACTED] Folsom Street when [REDACTED] saw a male police officer in full with his badge visible running on Folsom Street toward 25<sup>th</sup> Street. The officer was yelling "stop, stop, stop!," as a man wearing dark clothing was running toward him. [REDACTED] then heard approximately four to six gunshots.

[REDACTED] had initially seen this same person running past [REDACTED] on the east sidewalk of Folsom Street.

[REDACTED] stated that [REDACTED] was [REDACTED] Folsom Street at approximately 22:00 hours [REDACTED] was getting up [REDACTED] when [REDACTED] heard someone authoritatively yelling, "Get on the ground" two times in a loud voice.

[REDACTED] heard what sounded like four "pops" closely followed. Then [REDACTED] heard sirens going off.

[REDACTED] saw one or two uniformed police officers in the area. [REDACTED] saw several police units converging on the area. Fire trucks and ambulances then followed.

[REDACTED]

[REDACTED] stated that [REDACTED] was [REDACTED] Folsom Street when [REDACTED] heard five to six gunshots and the sound of yelling.

[REDACTED]

[REDACTED] was [REDACTED] [REDACTED] when [REDACTED] heard loud shouting from [REDACTED]. This was followed by gunshots.

[REDACTED] and saw a body lying in the street, and a second person in handcuffs.

[REDACTED] noticed a vehicle double parked on Folsom Street.

[REDACTED]

[REDACTED] was [REDACTED] [REDACTED] 24<sup>th</sup> Street when heard an unknown number of gunshots.

[REDACTED]

[REDACTED] stated that [REDACTED] heard what sounded like gunshots while [REDACTED] [REDACTED] Folsom Street, [REDACTED]

[REDACTED]

[REDACTED] stated that [REDACTED] heard what sounded like gunshots while [REDACTED] [REDACTED] Folsom Street.

[REDACTED]

[REDACTED] was [REDACTED] (Folsom Street) when [REDACTED] heard four to five gunshots fired at a steady pace.

[REDACTED]

[REDACTED] was [REDACTED] with [REDACTED] [REDACTED], on the east sidewalk of the 2800 block of Folsom Street at about 21:45 hours. They had [REDACTED]. While walking back, they noticed some kind of commotion involving a couple [REDACTED]. "It wasn't like they weren't shouting."

As they continued to walk, [REDACTED] noticed two [REDACTED] at the house on Folsom Street that is set back from the street, stopping in a patio area by the front wall.

As [REDACTED] walked past the next house, [REDACTED] observed a bicycle on the ground, in the middle of the sidewalk. There were [REDACTED] in this area. As [REDACTED] walked around the bicycle, [REDACTED] vaguely recalled seeing someone on the street side of a parked car. "They were separated by some distance from each other and they weren't saying anything." [REDACTED] did not notice a knife or a car double parked on the street. It was quiet at this time; no one was saying anything.

[REDACTED] continued walking past the next residence, perhaps 25 feet past the bike. [REDACTED] then heard someone yell "Get on the ground" twice; from the command, [REDACTED] thought this was probably a police officer. [REDACTED] then heard between four and six gunshots. [REDACTED] sprinted north on Folsom Street, away from the scene.

[REDACTED]

[REDACTED] was [REDACTED] Folsom Street when [REDACTED] heard the sound of three gunshots.

[REDACTED]

[REDACTED] stated that [REDACTED] was [REDACTED] Folsom Street when [REDACTED] heard what sounded like five gunshots.

[REDACTED]

[REDACTED] identified [REDACTED] at the community meeting at Mission Station that followed this Officer-Involved Shooting. [REDACTED] stated at that time that the actions of Mr. Perez-Lopez, as described in the media and the preliminary reports, seemed out of character.

In a telephonic interview with Sergeant Anthony Ravano (Homicide Detail) on March 4, 2015, [REDACTED] stated that [REDACTED] had dropped off Mr. Perez-Lopez less than an hour before the shooting took place. [REDACTED] said that Mr. Perez-Lopez was not intoxicated. [REDACTED] said that it was [REDACTED] understanding that the argument between [REDACTED] and Mr. Perez-Lopez's occurred because [REDACTED] stole Mr. Perez-Lopez's cellphone. [REDACTED] was not present at the time of the incident and did not directly witness any of the events that transpired.

*According to the Medical Examiner's Toxicology Report, Mr. Perez-Lopez's* [REDACTED]

[REDACTED] *The District Attorney's Report cites the opinion of Dr. Nikolas Lemos (Office of the Medical Examiner), who conducted the toxicological analysis, " [REDACTED]*

*[REDACTED]"*

*Mr. Perez-Lopez's cellphone was in possession of the decedent, and it was seized at the scene by Medical Examiner investigators and turned over to SFPD investigators.*

*Available video could not corroborate [REDACTED] assertion that [REDACTED] was at the scene less than an hour before the shooting.*

[REDACTED]

[REDACTED] is a [REDACTED] who was [REDACTED] at approximately Mission and 24<sup>th</sup> Streets. [REDACTED] was [REDACTED] [REDACTED] westbound on 24<sup>th</sup> from Harrison Street. While [REDACTED] with Folsom Street, [REDACTED] heard what sounded like four or five gunshots to [REDACTED] left, from the area of 24<sup>th</sup> and Folsom Streets. Immediately after [REDACTED] noticed the sounds of sirens approaching. [REDACTED] looked to [REDACTED] left and heard indiscernible yelling.

[REDACTED] waited 45 seconds to a minute later, then turned southbound onto Folsom Street on the east sidewalk and stopped in front of [REDACTED] Folsom Street. [REDACTED] saw a [REDACTED] standing "on" a mountain bike on the east sidewalk, and several police officers in the street, between two cars.

[REDACTED] did not hear anything prior to the gunshots, nor did [REDACTED] see anything.

[REDACTED] *Mission Street, between 24<sup>th</sup> and 25<sup>th</sup> Streets.*

[REDACTED]

[REDACTED] stated that he was [REDACTED] [REDACTED] Folsom Street when [REDACTED] heard what the sound of gunshots.

██████████

██████████ was identified by others as a possible witness. ██████ told police investigators, however, that ██████ did not see the event. ██████ stated that ██████ was working with attorneys and community members and provided no further information to SFPD investigators.

██████████

██████████ was ██████ ██████ Folsom Street ██████ when ██████ heard the sound of gunfire.

██████████s

██████████ was ██████ ██████ Folsom Street when ██████ heard what sounded like five gunshots, followed by undiscernible commands in a loud voice. ██████ did not see anything or hear anything further.

██████████

█████ ██████ stated that ██████ was ██████ ██████ Folsom Street, with the ██████ ██████ ██████ Folsom Street ██████ ██████. ██████ “always” hears loud noise emanating from this residence; ██████ stated “those guys are constantly drinking and shouting.” Normally ██████ is able to just “tunes it out.”

On the night of the incident, however ██████ attention was caught because “something happened.” It sounded “aggressive;” “they were arguing.” ██████ heard a yelping-like sound, and someone was saying, “Shh,” as if to calm the situation down.

█████ looked ██████ saw a ██████ ██████ with a silver bicycle at the gate, walking ██████ bike toward 25<sup>th</sup> Street ██████ stated that ██████ was not one of the residents ██████. ██████ appeared to be walking alone; ██████ view was obstructed, but the ██████ was not saying anything nor could ██████ see anyone. ██████ watched until ██████ was out of view.

Everything seemed calm, but a moment later, someone was yelling, “Call 9-1-1” in English.

The ██████ heard someone yelling loudly, “Get down on the grass.” ██████ stated that ██████ later concluded that ██████ misheard this and believes the person actually yelled, “Get

down on the ground,” as there is no grass in this area.) The yelling was followed by about 4 or 5 rapid gunshots, after a pause of a couple of seconds.

██████████ about a minute later, thinking the neighbors were lighting firecrackers. ██████ heard loud male voices yelling ██████ did not see any police cars.

went to the front door, and neighbors were beginning to come outside.

██████████ was ██████████ Folsom Street when heard the sound of sirens, followed by several loud sounds that reminded ██████████ of fireworks. ██████████ then heard someone yelling, "Get down!"

█████ stated that █████ heard 3 or 4 loud noises, which █████ thought might be gunshots, while █████ █████ Folsom Street.

\_\_\_\_\_ was \_\_\_\_\_ Folsom Street. At 23:47 hours on the night of this incident, \_\_\_\_\_ and \_\_\_\_\_ were contacted during a canvass by Sergeant Phillip Gordon #1913 of the Homicide Detail. The \_\_\_\_\_ reported that \_\_\_\_\_ Mr. Perez-Lopez, \_\_\_\_\_ and would normally have \_\_\_\_\_ They gave no further indication in the contemporaneous statement that regarding any concerns that Mr. Perez-Lopez had been involved in an altercation or might otherwise have been at risk. At this time, they stated that they didn't see anything and had no knowledge of the incident, but had heard multiple gunshots. \_\_\_\_\_ expressed concern however that Mr. Perez-Lopez might have been the person who'd been shot.

In an interview conducted 10 months later by District Attorney Investigators and summarized in the DA's report, [REDACTED] provided a different narrative, claiming to have witnessed relevant parts of the incident.

██████████ now stated that ██████████ had been ██████████ at approximately 21:00 hours to get something to eat, when ██████████ saw Mr. Perez-Lopez in the company of ██████████ ██████████

██████████ recognized ██████████ from prior contacts as a person who occasionally gets drunk outside ██████████ and makes noise.

██████████ stated that ██████████ returned about 15 to 20 minutes later to find ██████████ blocking Mr. Perez-Lopez's path ██████████ Folsom Street. ██████████ was asking Mr. Perez-Lopez if ██████████ at the house. As ██████████ told ██████████ to stop causing problems, Mr. Perez-Lopez began to walk away. ██████████ suddenly turned back around, vault a small fence and sprint into the residence.

Mr. Perez-Lopez came back out of the house holding a knife. ██████████ began chasing after ██████████ asking "Aren't you macho?" ██████████ watched Mr. Perez-Lopez chase ██████████ toward the corner of Folsom and 24<sup>th</sup> Streets, out of ██████████ sight. ██████████ told investigators ██████████ thought they were "kind of joking around."

██████████ stated, however, that ██████████ ran into ██████████ and told the ██████████ ██████████ that Mr. Perez-Lopez had run out of the house with a knife and was chasing "██████████ with the ██████████" ██████████ and ██████████ went outside to the fence and stood side-by-side. ██████████ saw Perez-Lopez coming back toward the house; ██████████ appeared to still be holding the knife. ██████████ did not see ██████████ anywhere.

██████████ stated that ██████████ then saw two men approach Mr. Perez-Lopez from behind. ██████████ believed the men to be police officers; however, ██████████ did not recall seeing their stars displayed or hearing them identify themselves as police. One officer positioned himself near a tree with his back to ██████████ and ██████████; ██████████ did not see his chest. The other approached Mr. Perez-Lopez from the sidewalk. ██████████ stated that ██████████ was about 45-60 feet away from Mr. Perez-Lopez and "couldn't see clearly in that instant." ██████████ told DA investigators that one of the men attempted to grab Mr. Perez-Lopez from behind, but Mr. Perez-Lopez got away. The officers pointed their guns at Mr. Perez-Lopez, and he heard them each yell, "Drop the knife!" ██████████ stated that ██████████ did not know how Mr. Perez-Lopez reacted to the commands. ██████████ later explained that at this moment, a truck passed by, obstructing ██████████ ability to observe, and "in that instant, we couldn't see exactly what it was that he did. Like I'm telling you, we heard the sound of the knife. There was a truck that, well, almost covered him."

██████████ stated that ██████████ and ██████████ both heard a sound that ██████████ presumed was the knife hitting the ground; however, ██████████ did not see what actually created this sound. ██████████ said that almost simultaneously to hearing the sound, ██████████ heard the sound of shots fired. ██████████ was not

certain of the sequence of sounds, explaining that it happened “really fast.” In response to questions about the timing [REDACTED] answered “...well, the knife dropped. At the same time, they release their bullets.”

*District Attorney Investigators determined that the position of [REDACTED] and [REDACTED] would have been approximately 90 feet from the location of [REDACTED] and Mr. Perez-Lopez. They further determined that the trunk of a large tree would have obstructed or blocked their view, inhibiting the ability of either witness to see “(1) at least some movements made by Perez-Lopez as he travelled north along the passenger side of the blue Nissan before turning and stepping into the street; (2) Perez-Lopez once he stepped between the two parked cars; and (3) [REDACTED] standing on the driver’s side of the blue Nissan.”*

[REDACTED]

[REDACTED] is a [REDACTED] person who was [REDACTED] on Folsom Street when [REDACTED] approached [REDACTED] and told [REDACTED] that some [REDACTED] were running around with knives and trying to stick each other. The [REDACTED] was on the phone.

[REDACTED] listened to [REDACTED] talking on the phone and looked down the street, where [REDACTED] saw [REDACTED] running around the cars, chasing each other. [REDACTED] appeared to be [REDACTED]; one was taller than the other.

As [REDACTED] watched, the taller one got the short one against a garage. One of the [REDACTED] pushed the other [REDACTED]. [REDACTED] noticed the taller [REDACTED] had a knife, but they both appeared to have something. The shorter [REDACTED] appeared to be wrapping something around [REDACTED] arm.

While this was occurring, [REDACTED] heard a tire screech from 25<sup>th</sup> Street. A police officer got out and said, “Stop right there.” [REDACTED] heard gunfire, then saw police officers come from 24<sup>th</sup> Street.

[REDACTED]

While [REDACTED] [REDACTED] heard a commotion out front, followed by what sounded like between four and six gunshots. This was followed by a sound of a male yelling, but [REDACTED] could not discern what was being shouted. [REDACTED] then called 9-1-1 to report the gun shots. [REDACTED] did not see anything.



Medical Examiner's Report

Assistant Medical Examiner Dr. Ellen Moffatt, M.D. performed an autopsy on Mr. Perez-Lopez beginning on February 27, 2015. She prepared a report under the assigned case number 2015-0223, signing it on June 12, 2015.

Dr. Moffatt's autopsy identified six (6) gunshot wounds to Mr. Perez-Lopez, described in her report as 3 penetrating and 3 perforating trajectories. The six gunshot wounds identified by Dr. Moffat, described in detail in the Medical Examiner's report, are identified as follows (the numbering is not intended to suggest the order in which the injuries occurred):

1. The entry wound is on the left side of the head (labeled "A" in Medical Examiner photographs), and the exit wound is on the right side of the head (identified as "H" in Medical Examiner photographs). The trajectory is back to front, left to right, and slightly downward. There was no soot, stippling or unburned gunpowder on the skin surrounding the defects.
2. The entry wound is on the left side of the back (labeled "B" in Medical Examiner photographs). The trajectory was back to front, slightly downward, with little significant travel either left or right. There was no exit wound; a projectile was extracted. There was no soot, stippling or unburned gunpowder on the skin surrounding the defect.
3. The entry wound is on the right side of the back (labeled "C" in Medical Examiner photographs). The trajectory is back to front, right to left, and slightly downward. There was no exit wound; a projectile was extracted. There was no soot, stippling or unburned gunpowder on the skin surrounding the defect.
4. The entry wound is on the approximately mid-back, about two inches right of the mid-line (labeled "D" in Medical Examiner photographs). The bullet partially exited outside the right shoulder area, near the armpit (identified as "G" in Medical Examiner photographs). A projectile was extracted. The trajectory is left to right, slightly upward, and neither frontward or backward. There was no soot, stippling or unburned gunpowder on the skin surrounding the defects.
5. The entry wound is near mid-back, below entry wound #4, approximately 1-5/8" right of the mid-line (labeled "E" in Medical Examiner photographs). The exit

wound is the front-right side of the decedent (labeled “I” in Medical Examiner photographs). The trajectory is back to front, left to right, and neither significantly upward or downward. There was no soot, stippling or unburned gunpowder on the skin surrounding the defects.

6. The entry wound is the back of the right upper arm/triceps area (labeled “F” in Medical Examiner photographs), and the exit wound is the right upper arm/biceps area (labeled “J” in Medical Examiner photographs). The trajectory is back to front, and neither significantly upward or downward nor left or right. There was no soot, stippling or unburned gunpowder on the skin surrounding the defects.

The Medical Examiner’s report included a Toxicology Report by Dr. Nikolas Lemos, Ph.D. Testing and analysis of blood samples from Mr. Perez-Lopez [REDACTED]  
[REDACTED]  
[REDACTED]

In conclusion, Dr. Moffatt lists the cause of death as “MULTIPLE GUNSHOT WOUNDS.” She identifies [REDACTED]

#### Findings of the District Attorney

The Office of the District Attorney was notified of the Officer Involved Shooting and initiated an independent investigation on March 15, 2013. Investigators from the Office of the District Attorney responded to the scene and participated in the criminal interviews.

The investigative findings of the Homicide Detail were reviewed by the Office of the District Attorney—in addition to the findings of their own investigation—for consideration of any possible criminal charges.

On April 12, 2017, District Attorney George Gascón announced that his office had declined to press criminal charges against the involved officers in this incident, holding a press conference and releasing a 25-page summary report titled, *Summary of Investigation and Legal Analysis of the Fatal Shooting of Amilcar Perez-Lopez on February 26, 2015*.

In declining to charge Officer Reboli and Officer Tiffe, Mr. Gascon noted that the following evidence was compelling in his decision:

- Witness statements, particularly:
  - Victim A [REDACTED];
  - Witnesses [REDACTED];
  - Witness officers
- Videos obtained from MUNI;
- Videos obtained from [REDACTED]
- ShotSpotter recording;
- Scene photos;
- SFPD Crime Scene Investigations;
- Autopsy and Toxicology reports.

The District Attorney devoted significant time and resources to the thorough examination of these issues, including analysis by Force Science and Use of Force experts, as well as the engagement of reconstruction specialists. In the summary report of his investigation of this incident, the District Attorney's found that "[o]nly two key points were subject to dispute." First, the investigation examined how Mr. Perez-Lopez could be facing Officer Reboli when Officer Reboli fired, if the bullets had struck the suspect in the back. Second, the investigation examined whether Mr. Perez-Lopez was whether or not Mr. Perez-Lopez was holding his knife when the officers fired.

*Review of Statement-Evidence Inconsistencies Identified by the District Attorney*

The summary report of the District Attorney's comprehensive investigation refers to two areas of "dispute" related to the Officer Tiffe's and Officer Reboli's accounts. The District Attorney noted that "These two areas were subject to intense analysis, including close examination by a use of force expert."

The first concern raised regards Officer Reboli's statements that he fired as Mr. Perez-Lopez came toward, and as addressed in the prior section of this report. In both the criminal and administrative interviews, Officer Reboli, who was northeast of Mr. Perez-Lopez, stated that that the suspect stepped forward, swinging his knife, then started to turn as he went into the act of firing his weapon. In both interviews, Officer Reboli described the suspect turning to the west, and moving between between the cars. The District Attorney's own Use of Force expert notes that during the shooting process, Mr. Perez-Lopez started to turn and that the actions of Officer Reboli were "objectively

reasonable and consistent with accepted standards of police practices, and training.”

The second concern raised regards the statements made to investigators by [REDACTED] with respect to when the suspect dropped his knife. [REDACTED] who stated [REDACTED] was located 90 feet from the location of the shooting, stated that [REDACTED] could not see the shooting, but [REDACTED] heard something that “could be the knife” fall at approximately the same time that [REDACTED] heard shots fired. [REDACTED] who stated that [REDACTED] was in the same location as [REDACTED] stated that [REDACTED] could not see the shooting, but [REDACTED] heard the sound of a knife falling before [REDACTED] heard gunfire. It must be noted that both [REDACTED] and [REDACTED] gave different statements to SFPD investigators at the time of the incident; the District Attorney’s interview was conducted months after the incident. The resting location of Mr. Perez-Lopez’s weapon—recorded not only by CSI video and photography, but in [REDACTED] photo taken moments after the shooting—supports the officers’ account that the suspect dropped his knife after they fired. Officer Reboli’s radio and flashlight had fallen to the ground during the shooting; Officer Reboli stated that he considered throwing his radio at the knife-wielding suspect just prior to drawing his firearm. The District Attorney report also allows “for the possibility” that the sound heard was actually Officer Reboli’s radio.

With respect to the first matter, the Office of the District Attorney summarized in a release:

According to the use of force expert, this inconsistency can be reconciled by reference to studies relating to action versus reaction time and the mechanics of shooting accurately. In effect, Officer Reboli may have accurately recalled that Perez-Lopez was facing him when he made the decision and started shooting, but based on reaction time, Perez-Lopez would have been able to turn 90 to 180 degrees by the time the bullets hit him. The use of force expert further explained that once Officer Reboli decided to shoot, his focus would have turned to the mechanics of shooting accurately. As a result, the shooter’s recollection of the event will be more specific to what caused him to shoot, rather than what the target was doing after the decision to shoot was made. The use of force expert concluded that Officer Reboli would not have had time to note the specific position of Perez-Lopez’s body during that firing sequence.

With respect to the second matter, the Office of the District Attorney summarized:

Officer Reboli said he saw the knife in Perez-Lopez's hand as he fired his weapon and then saw the knife fall from Perez-Lopez's grip and watched as it came to rest in the street. Officer Tiffe said that, after hearing the shots fired by Officer Reboli, he saw Perez-Lopez raise the knife as he took a step between the two parked cars, at which point he fired one shot to prevent Perez-Lopez from stabbing [REDACTED]. However, [REDACTED] both reported hearing the sound of a knife fall, with one of them placing the sound the moment before the gunfire and the other placing the sound simultaneous with the gunfire.

After careful analysis, the District Attorney's Office concluded that the weight of the evidence is consistent with the officers' statements that Perez-Lopez was still holding the knife when they discharged their firearms. Additionally, even if the knife had been dropped "a moment" before shots were fired, the weight of evidence would still support the officers' reasonable belief that Perez-Lopez was still holding the knife when they fired their weapons.

The District attorney cited the location from which the knife was recovered as additional evidence to support the officers. Had it been dropped before shots were fired, the knife would likely have been located in the area of the sidewalk, rather than its actual position of rest, in the northbound lane of traffic.

In his final report, *Summary of Investigation and Legal Analysis of the Fatal Shooting of Amilcar Perez-Lopez on February 26, 2015*, District Attorney George Gascon arrived at the following conclusion:

Based on the facts, circumstances and applicable law in the matter, there is insufficient evidence to file any criminal charges against Officer Reboli or Officer Tiffe.

#### Homicide Detail's Investigative Summary

Sergeant Anthony Ravano prepared a memorandum summarizing his completed criminal investigation, dated April 17, 2017. This was approved through the chain of command and forwarded to the Internal Affairs Division, received July 11, 2017.

### **Administrative Investigation**

Upon notification of the Officer Involved Shooting, the Internal Affairs Division of the San Francisco Police Department initiated an administrative investigation into the incident. Sergeants John Crudo #1694 and Jayme Campbell #759 responded to the scene; Sergeant Crudo was assigned the administrative investigation. Lt. Robert Yick #1264 also responded to the scene from IAD.

Assistant Director Erick Balthazar and Investigator Steve Ball responded to the scene from the then-named Office of Citizen Complaints (now the Department of Police Accountability or DPA). An independent administrative investigation was subsequently initiated and assigned to DPA investigator David Aulet. The status or findings of the independent investigation is not known.

### **Post-Discharge Actions**

Officers Tiffe and Reboli were placed on administrative assignment immediately following the incident, in accordance with Department policy, as set forth in Department General Order 8.11.G.4, as follows:

Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

While on administrative assignment, Officer Brown completed a mandated Critical Incident Response Team (CIRT) debriefing, in accordance with Department General Order 8.04. This was conducted at Mission Station on Tuesday, March 3, 2015.

Officers Reboli and Tiffe responded to the Lake Merced Range on March 5, 2015 for a post-discharge weapon debrief. Officer Nicholas Shihadeh #1612 conducted this debriefing, reviewing and ensure the proper manipulation and operation of the officers' replacement firearm. Related Department policies and procedures were reviewed.

On Thursday, March 5, 2013, Deputy Chief Sharon Ferrigno convened a Return to Duty panel to consider whether to recommend to Chief Suhr the return of Officer Reboli and

Officer Tiffe to their regular assignments. Lieutenant Alexa O'Brien, commanding the Homicide Detail, provided a summary of the initial findings of the criminal investigation. After consideration of the debriefings and the preliminary investigation, the Return to Duty panel recommended to Chief Gregory Suhr that Officer Reboli and Officer Tiffe return to their regular duties after each had satisfactorily completed recommended FOS and Range debriefings, and after 10 calendar days had elapsed, in accordance with DGO 8.11(II)(G)(4).

Chief Suhr concurred with the Return to Duty panel's recommendations and forwarded a letter, dated March 5, 2015, to Police Commission President Suzy Loftus. The Chief's decision was presented to the Police Commission on March 11, 2015. Thereafter, Officers Reboli and Tiffe were permitted to return to their regular assignments.

#### Training & Experience

The work assignment and training records of the involved officers were reviewed as part of this investigation.

##### *Officer Eric Reboli*

Officer Reboli entered the Academy on [REDACTED]. He was assigned to Tenderloin Station [REDACTED] as his Field Training station. On [REDACTED], he was transferred to Ingleside Station, where he served his Probation. The majority of this time was spent in patrol. He was permanently assigned to Mission Station on [REDACTED]. He has been at Mission Station since then, except for the period of [REDACTED]. [REDACTED] He was reassigned from uniformed patrol to plainclothes investigations approximately one year after arriving at Mission Station (2008) and remained in that assignment until the time of his O.I.S.

##### *Officer Craig Tiffe*

Officer Tiffe entered the Academy on [REDACTED]. He was assigned to Southern Station [REDACTED] as his Field Training station. [REDACTED] he was transferred to Ingleside Station, where he served his Probation. The majority of this time was spent in patrol. He was permanently assigned to Mission Station on [REDACTED]. He has remained at Mission Station. He was reassigned from uniformed patrol to

plainclothes investigations in 2008 and remained in that assignment until the night of the O.I.S.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Administrative Interviews

Internal Affairs Division investigators (handling the administrative investigation of case number OIS 2013-003) re-interviewed the involved officers.



*Officer Reboli*

On March 11, 2015, Sergeant Crudo conducted a compelled administrative interview of Officer Reboli. Sergeant Eric Altorfer #151 of the Internal Affairs Division assisted in the conduct of this interview. Officer Reboli was represented at this interview by POA attorney Peter Furst. With the knowledge and consent of Officer Reboli, Mr. Furst also had Ms. Teresa Shumacher, a law student, assisting him during this interview. Ms. Shumacher remained present during this interview. Sergeant Crudo conducted a compelled interview of Officer Reboli, advising the officer of his peace officer rights and provided a Lybarger Admonition.

Prior to this interview, Officer Reboli had been provided a copy of his interview with criminal investigators. In his administrative interview, stated the following:

Officer Reboli confirmed that he reviewed the recording of his voluntary interview with criminal investigators prior to his administrative interview. In a series of questions, Officer Reboli then confirmed foundational information provided during the criminal interview including his service history, attire at the time of the incident, and equipment in his possession. On the night of the incident, Officer Reboli's star was clipped on his belt, next to his holster, and his sweatshirt was tucked in to expose the star. He wore a case containing a set of handcuffs and one fully loaded spare magazine on his belt, a Department-issued Kubaton (impact weapon) in his rear right pocket, a canister of Department-issued oleoresin capicum ('O.C.') spray in his left rear pocket, and his hand held PIC radio (also in his back left pocket). His firearm had a .40 caliber cartridge chambered in the weapon, and a fully loaded magazine containing twelve (12) more rounds in the well.

Officer Reboli discussed his arrival on scene. He explained that when he first arrived on Folsom Street, he saw [REDACTED] running mid-block. They first appeared as silhouettes. The officers drove toward the [REDACTED]. As they were stopping the vehicle, Officer Reboli lost sight of them. As Officer Reboli got out of the car, [REDACTED] stepped between the two cars, and leaned against the hood of the blue car, folding [REDACTED] hands. Officer Reboli said that [REDACTED] "appeared to be exhausted, breathing quite heavily." He told Officer Tiffe, "There's one [REDACTED]" and moved toward [REDACTED]. Officer Reboli did not know where the second subject, Mr. Perez-Lopez, had gone. As he approached, Officer Reboli could see that [REDACTED] eyes were darting back and forth from Officer Reboli, approaching on the street, to something on the sidewalk.

When Officer Reboli closed within five feet of [REDACTED] he identified himself, saying, "Police." Then—because the nature of the call—he grabbed the upper arms of [REDACTED] and pulled the elbows together, effectively pinning [REDACTED] arms back. Facing south, looking over the parked car, Officer Reboli saw Officer Tiffe addressing Mr. Perez-Lopez. He saw Officer Tiffe's mouth moving, but could not hear what he was saying. Mr. Perez-Lopez had his back to Officer Reboli.

Officer Reboli said something to the effect of, 'Let's get on the sidewalk.' [REDACTED] was compliant and responded to Officer Reboli's direction, turning left and beginning to walk forward to the sidewalk. They had taken two or three steps, when Officer Reboli realized Officer Tiffe was engaged in a physical altercation. Officer Tiffe was position on the sidewalk, approximately in line with the rear passenger wheel of the parked blue Nissan Rogue, and Mr. Perez-Lopez was at the edge of the curb, slightly northwest of Officer Tiffe, near the rear passenger door of the vehicle.

Officer Reboli concluded that [REDACTED] who had appeared fatigued and been compliant, "was not appearing to be any type of threat; whereas, [Mr. Perez-Lopez] was resisting and struggling with my partner, so he was the physical, immediate threat to my partner's life and safety." Officer Tiffe and Mr. Perez-Lopez were in a "kind of a swirling or circular sort of confrontation," swinging leverage against one another.

Officer Reboli disengaged from [REDACTED] releasing [REDACTED] toward the street, and heading directly to assist Officer Tiffe. As he closed within five feet of the physical altercation, roughly in the middle of sidewalk, he caught sight of the Mr. Perez-Lopez's knife for the first time.

I saw Officer Tiffe physically, like, push away...lunge backwards. His hands immediately came up to shoulder-face level. Again, I described it as if you're doing an [REDACTED]  
[REDACTED] Craig had lunged backwards, and I saw the suspect slashing in a circular motion with a very large silver knife, directly at Craig, and then the knife came up to roughly my eye level.

Officer Reboli later described the knife he saw. "It looked like...looked like a miniature machete. It was...it looked like a foot, if not larger. Silver. Fixed blade, almost like a professional kitchen utensil."

As he described the life-threatening assault, Officer Reboli made slashing motions mimicking the attack. He drew he swung his arm laterally from side-to-side at waist level, then ripped rapidly upward. Officer Reboli confirmed that this was the motion that he witnessed, and that the blade of the knife was upward, to the top of Mr. Perez-Lopez's right hand, pointing at Officer Tiffe.

Officer Reboli stated that Mr. Perez-Lopez pressed his attack, as Officer Tiffe retreated, lunging backward and twisting away to avoid being stabbed.

...the best way I can describe it is [Officer Tiffe] was just lunging out of the way of the knife that was being swung at him. So he was falling, almost...like...I don't know if you've seen the movie *The Matrix*, that movie where the guy falls backwards. That's almost what it looked like.

Officer Tiffe retreated to the southeast, near edge of the sidewalk, at the building line, as Mr. Perez-Lopez continued to advance, swinging his knife back and forth in the direction of Officer Tiffe in a violent slashing motion.

As Officer Reboli closed in from the north of the suspect, recognizing that Officer Tiffe was in a defensive mode against an edged weapon assault. Officer Reboli knew he could not tackle the suspect because of the exposed weapon, but he recognized the immediate deadly threat to Officer Tiffe. While the suspect was narrowly focused on Officer Tiffe, Officer Reboli attempted to close in, intending to use body force, described as a "front kick or side kick" to knock the suspect to the ground or at least create some distance between Officer Tiffe and the suspect.

Officer Reboli stated:

Again, just due to the close proximity during the struggle and the way I saw the knife being slashed at him, I believed one hundred percent that Craig had stabbed...had been injured...cut in some manner.

As Officer Reboli closed in to assist Officer Tiffe, however, Mr. Perez-Lopez shifted his attention to Officer Reboli. Having completed another swipe of his blade laterally across the front of Officer Tiffe, from his right (south) to left (north), then upward, Mr. Perez-Lopez "kind of looks and sees me, and then he turns and runs directly at me."

Officer Reboli stated that the blade was held at his eye level as Mr. Perez-Lopez held the blade up to the officer's eye level as he turned north. "The moment I saw that knife, and he was turning and running at me, I immediately stopped, and then I lunged backwards myself."

Officer Reboli yelled commands to the effect of "Police, Drop the knife! Drop the knife!" at the advancing suspect, while he hopped backward to the northeast and pivoted, turning clockwise. As he first moved backward, Officer Reboli briefly considered drawing his O.C.; he even considered throwing his radio at the advancing suspect. By the time his feet were set under him, with the armed suspect between 5 and 10 feet away, he drew his firearm. He explained that the firearm was now his only reasonable force option.

Just because of the close proximity to the suspect and myself, the suspect having a very large knife. The distance between him and I was so short, O.C. wouldn't have worked even if I had gotten it out of my pocket. I don't think I would have had the ability to train it on and strike him in the eyes, before he could advance onto me. Or even being able to draw my Kubaton or impact weapon it just would have been...because his knife was so long, that it would have been pointless.

In response to questioning, Officer Reboli discussed the reasonable application of each permissible force option. Verbal commands were not effective. He elaborated that the use of physical controls, the Kubaton or the carotid restraint would have exposed him unreasonably to deadly attack. "He could easily be stabbing you in any variety of locations that would kill you, if not render you ineffective."

Making continuous cross-slashing motions with his knife, Mr. Perez-Lopez maintained a roughly face-to-face orientation with the Officer Reboli, who was attempting to retreat and twist away in order to create space.

...as I'm lunging backward, I'm tracking him, you know what I mean? I'm keeping my shoulders to him, as he's doing the same. So, he's not running, like, past me; he's running with the knife, and he's keeping me in front of him. So he's almost side-shifting, you know what I mean? Like a football-type drill, but he's keeping the knife in between me and him and he's moving the knife around.

In response to questioning, Officer Reboli stated that he was aware that the suspect was clear to the north, all the way to the corner, and the suspect had a clear avenue of escape. Mr. Perez-Lopez, however, continued to press forward menacingly in a roughly northeasterly direction, toward Officer Reboli. Officer Reboli, narrowly focused on the deadly threat, did not see either Officer Tiffe or [REDACTED]. He knew that [REDACTED] had last been located on Folsom Street near the front of the Nissan Rogue; he knew that Officer Tiffe had been to his south on the sidewalk.

Mr. Perez-Lopez stopped moving forward, approximately five feet from Officer Reboli, facing approximately eastward. He then looked to the right (south), in the general direction of Officer Tiffe's position, before he turned his gaze southwest, in the direction of where [REDACTED] had been.

When he stops, he's facing me with the knife. He then looks in the direction that Craig is in, and again, I'm thinking Craig is on the ground hurt and then the suspect looks over his right shoulder, across the hood of the vehicle, and it looks like he locks in on something or someone. So my fleeting thought is that's where the person that I grabbed was at,

Mr. Perez-Lopez was holding the knife in his right hand, with the blade pointed upward, toward the top of his fist, and his arm was held out at approximately a 45-degree angle. Officer Reboli yelled another order to drop the knife. Mr. Perez-Lopez, his eyes locked on [REDACTED] believed location, raised his right hand to shoulder level, bringing the knife higher and cocking it backward in what Officer Reboli compared to "almost like a pitching motion." As he did so, Mr. Perez-Lopez was also rotating to his right (clockwise), into what appeared to Officer Reboli to resemble a bladed or canted position.

Officer Reboli described this moment:

[Mr. Perez-Lopez] doesn't advance towards me, but he is...again, he's turned, and he raises the knife, and he's kind of looking at me. And the moment the knife comes up, I read it as an act of aggression. Again, I'm only five or six feet away from the subject. He's not listening to my command to drop the knife, but instead, he's done the opposite. So I feared for my life and my safety. I feared that if I was in some...some way incapacitated, Officer Tiffe's life would be placed in immediate harm, as

well as the subject who was the victim in the original incident, just based on the close proximity to the...to where we were all at.

Officer Reboli fired his Department-issued handgun at Mr. Perez-Lopez, using point-shoot aim, rather than acquiring sights. He stated that “as I was firing, the suspect kind of turned.” Mr. Perez-Lopez, moving west, took several steps forward in front of the parked blue Nissan Rogue, toward Folsom Street and [REDACTED] last known position. Officer Reboli fired an unknown number of times at the suspect. Mr. Perez-Lopez fell forward, and the knife fell away from him.

Officer Reboli described his narrow focus on the Mr. Perez-Lopez’s weapon, but he stated that when he fired to the west-southwest, his backdrop was clear. “Folsom Street was clear. There was no vehicle traffic; there appeared to me to be no pedestrian traffic, but this all happened with seconds from the time we got out of the vehicle until we stopped firing, so.

Officer Reboli stated that he stopped firing when he saw Mr. Perez-Lopez falling to the ground near the front of the Nissan, because the suspect was no longer an immediate threat. Officer Reboli stated that he tracked Mr. Perez-Lopez to the ground. His attention was then captured by the sound of [REDACTED] screaming, seemingly from the west side of Folsom Street.

He headed over to Officer Tiffe, made sure that he was okay. Officer Tiffe was standing near Officer Reboli’s radio and flashlight, both of which had fallen to the ground, unbeknownst to him. Satisfied that Officer Tiffe had not been physically injured, he directed his partner to broadcast the location. Officer Reboli recovered his dropped equipment from the sidewalk.

He crossed the street and conducted a down range search for any additional casualties. As he moved across the street, Officer Reboli realized his weapon was unholstered. As he attempted to de-cock and holster, he experienced difficulty with his dexterity and had to use both hands to decock and holster the handgun. His search on the west side of Folsom Street was negative, and he returned to the suspect.

Officer Reboli recalled that he secured the suspect, handcuffing him, after the shooting. He stated that he did this “only because the knife was still in close proximity.” He believes that he handcuffed Mr. Perez-Lopez after checking for additional casualties, but



he could not confidently recall the order. He could hear sirens and saw officers responding to the scene. He thought that Officer Cabillo and his partner were the first officers he saw on scene.

Officer Reboli stepped away from Mr. Perez-Lopez, turning in the direction of [REDACTED]. He saw that [REDACTED] was now seated by the rear of the blue Nissan Rogue, handcuffed. An officer was standing by [REDACTED].

Officer Reboli's attention went back to Mr. Perez-Lopez. He saw that Officer Obidi was performing CPR on him.

Sergeant Anthony Montoya arrived very quickly on scene, with the first few officers. He separated Officer Reboli and collected a Public Safety Statement. He was then transported by Officer Brent Bradford to Mission Station. Alexandra Medina #1569 responded to Mission Station to offer CIRT services. He was photographed by CSI at Mission Station in the attire that he was wearing at the time of the incident.

#### *Officer Tiffe*

On March 31, 2015, Sergeant Crudo conducted a compelled administrative interview of Officer Tiffe. Sergeant Eric Altorfer #151 of the Internal Affairs Division assisted in the conduct of this interview. Officer Tiffe was represented at this interview by POA attorney Michael Whelan. Sergeant Crudo conducted a compelled interview of Officer Tiffe, advising the officer of his peace officer rights and provided a Lybarger Admonition.

Prior to this interview, Officer Reboli had been provided a copy of his interview with criminal investigators. In his administrative interview, stated the following:

Officer Tiffe confirmed that he reviewed the recording of his voluntary interview with criminal investigators prior to his administrative interview. In a series of questions, Officer Tiffe then confirmed foundational information provided during the criminal interview including his service history, attire at the time of the incident, and equipment in his possession. On the night of the incident, his star was hanging from a chain worn outside of his black windbreaker, positioned approximately in front of his sternum. He was [REDACTED] [REDACTED] His PIC radio was clipped in his back left pocket, with the handset connected to his left front pocket. He carried handcuffs in a pocket, because the case he'd been issued was failing. Officer Tiffe also brought along two spare magazines, a collapsible baton, and a canister of oleoresin

capsicum ('O.C.') spray with him; this equipment was stored in a gear bag he kept in his vehicle, rather than on his person. His firearm had a .40 caliber cartridge chambered in the weapon, and a fully loaded magazine containing twelve (12) more rounds in the well.

Officer Tiffe stated that he was in the passenger seat responding to a call about a Hispanic male armed with a knife chasing [REDACTED]. He recalled the suspect description as approximately [REDACTED] chasing [REDACTED] on north on Folsom Street from 24<sup>th</sup> Street. As they approached the location, Officer Reboli alerted Officer Tiffe [REDACTED], near the middle of the 2800 block of Folsom Street, on the east side.

Initially, Officer Tiffe could only see [REDACTED], standing in the street, facing east. [REDACTED] was next to a blue car. Officer Reboli stopped in the northbound lane of Folsom Street, about a carlength south of the blue car. The officers exited, and now Officer Reboli could see [REDACTED] (Mr. Perez-Lopez). [REDACTED] was on the opposite side of the blue car, near the passenger side mirror. The [REDACTED] appeared to be squared up against each other, separated by the car.

Officer Tiffe stated that Officer Reboli headed toward the driver's side subject, and he headed toward the Mr. Perez-Lopez, whom he described as a [REDACTED] Hispanic male, [REDACTED] repeating, "Police!"

As he neared the curblin by the rear bumper of the blue car, Mr. Perez-Lopez made eye contact with Officer Tiffe. Officer Tiffe stated that Mr. Perez-Lopez made no acknowledgement of the officer; there appeared to be no recognition. He explained:

We were looking at each other in the eyes, and he doesn't understand me. So, one...as I said before, I've been in the Mission for a long time. I've dealt with people that I can't communicate, because we speak different languages. I didn't really get that sense. I just...I got a sense, like...because normally, I think I even said in the Homicide interview, that I believe at some point, I grabbed my star, and I'm, like, trying to get him to focus. He's looking me in the eye, and he's like looking right through me, as if I'm talking, and he's not even hearing what I'm saying.

Officer Tiffe was aware that Officer Reboli had made contact with the other subject, and he appeared to be okay. His focused attention was now drawn almost exclusively to Mr. Perez-Lopez. Officer Tiffe was approaching Mr. Perez-Lopez from the south; Mr. Perez-



Lopez was facing roughly west, with his right hand down to his side. Officer Tiffe could not see Mr. Perez-Lopez's right hand. Officer Tiffe gave commands to Mr. Perez-Lopez to back away from the car.

Mr. Perez-Lopez raised his left hand up to shoulder height, in the direction of Officer Tiffe. Officer Tiffe saw this as an opportunity to safely detain the subject. He explained:

I can't see his right hand. I don't know if he has something there. I need to get him away from the car. I need to figure out what his role is. I can't do that comfortably and safely without seeing his hands. So I seized the opportunity, when he raises his left hand, so I don't...you know...my instinct is 'I need to move him away,' and that's just how I responded.

Officer Tiffe attempted to gain physical control of the unresponsive subject. Officer Tiffe described his attempt in this interview:

My left hand grabs his left wrist area. My right hand grabs a hold of his upper back. I just grab his outer clothing, and I start to just move him away from the car. And I'm telling him what to do as I'm moving him. I asked him to do it even before I touched him. At this point, I'm going physically, but also verbally, at the same time to tell him what to do.

As Officer Tiffe gets Mr. Perez-Lopez moving away from the car, the suspect's right hand begins to come into view. Officer Tiffe could see that he appeared to be holding something in the right hand, but could not make out what the object was. He stated that he was aware that he had responded to a call regarding someone armed with a knife, "but my mind is just...it's so fast. I see something, I'm already hands on, so I need to get him to the ground."

Officer Tiffe stated:

I almost had an arm bar just naturally, but I just figured: I have, like, six inches on [Mr. Perez-Lopez], probably forty pounds. I was just going to, like, just lean on him and just use brute strength and guide him to the ground. So that's what I attempted to do.

Mr. Perez-Lopez lowered his hips and stepped forward, changing the center of gravity and countering Officer Tiffe's attempt to take him to the ground. Officer Tiffe stated:

At that point, I...he makes a motion to come up at me. So I don't know if it's a stabbing motion, swinging motion...at that point, I disengage. I abandon trying trying to take him to the ground, and I just...with my right hand, I push. I just let go with my left hand.

Officer Tiffe stated that Mr. Perez-Lopez's initial motion with his right hand was upward, but as he backed away, the movement swept in front of his chest laterally. Officer Tiffe sensed at this time that Officer Reboli was headed toward him, although his focus was on the threat. When Mr. Perez-Lopez completed the swing of his arm, Officer Tiffe "push[ed] him with all my force." Officer Tiffe retreated as Mr. Perez-Lopez regained his balance. Approximately three to four feet separated Officer Tiffe and Mr. Perez-Lopez. It was then that he could see a large knife in Mr. Perez-Lopez's right hand. It was held in a closed right fist, which was raised to approximately Mr. Perez-Lopez's shoulder area; the blade was pointed skyward.

When asked to describe the weapon, Officer Tiffe stated that the knife reminded him of:

the first Rambo movie. It was like a Rambo knife. It was like a hunting/fishing knife. To me—that's my first instinct—was, you know, a very large blade with a handle. It could have been a kitchen knife, but when somebody says it's a kitchen knife, I don't think of the knives I use to chop up vegetables or fruits. I think of a steak knife. It did not appear to be a steak knife. It appeared to be like...if it was a kitchen, it was a large kitchen knife.

Officer Tiffe could not recall the color of the knife nor whether it had a straight or serrated edge.

Mr. Perez-Lopez continued to make slashing motions at his shoulder level with the blade pointed upward. Officer Tiffe stated that he was narrowly focused on the knife and Mr. Perez-Lopez. Mr. Perez-Lopez turned his attention to something to the right (north) of Officer Tiffe's position. He concluded that Mr. Perez-Lopez was turning his attention to Officer Reboli; however, limited by the physiological effects of his stress-induced selective attention (sometimes referred to as "tunnel vision"), Officer Tiffe did not actually see Officer Reboli. He stated:

I probably do have tunnel vision at this point. I'm only fixated on the knife and on the guy. He fixates on something to my right, which I believe at the

time is my partner. Like I said, I can't really depict, even on [photograph] number three, where Officer Reboli is, because I don't see him.

Officer Tiffe drew his Department-issued firearm and fully extended his arms, yelling commands at Mr. Perez-Lopez to drop his knife. Officer Tiffe stated that as he replays this encounter in his mind, he recalls a lot of shouting. He heard both himself and Officer Reboli yelling commands. He knows he yelled commands to drop the knife, and he specifically heard "Drop the knife or I'll shoot" yelled. He could not recall whether he or Officer Reboli yelled this.

Mr. Perez-Lopez's point of focus was to the northeast, in the direction of where Officer Tiffe believed Officer Reboli was located. Officer Tiffe noticed that Mr. Perez-Lopez's gaze was fixed. Based on his experience, Mr. Perez-Lopez did not appear to be looking for avenue of escape. Officer Tiffe noted that in his experience, the eyes dart and move when a subject intends to run; the subject is scanning for routes. Although Mr. Perez-Lopez had available paths of escape, his focus remained fixed on something to approximately northeast of him. Mr. Perez-Lopez took a step in that direction.

Officer Tiffe heard gunshots. At the same time, Mr. Perez-Lopez appeared to change course, turning back into Folsom Street. Officer Tiffe saw the suspect raise his knife higher and appear to lock on something to his west.

Officer Tiffe, believed that Mr. Perez-Lopez was in the act of attacking [REDACTED] with a deadly weapon. He stated, "When I saw the suspect fixate on something and raise the knife, that's when I pulled the trigger." Using point-shoot aim (rather than acquiring sights), he fired one time at Mr. Perez-Lopez. Believing Mr. Perez-Lopez was moving in the direction of [REDACTED] Officer Tiffe explained his the nature of the threat he reacted to:

I believed there was a threat, you know, and that belief was based on: he had just tried to stab me. I know now this is the subject the 911 caller called on. So he was chasing someone.

Officer Tiffe recognized that his vision was tunneled, but at the time he fired, he observed a clear back drop in his range of vision. He remembers seeing both parked cars (the blue Nissan Rogue and the silver Toyota Camry) in his field of vision, behind his view of Mr. Perez-Lopez. Beyond the cars, he saw that the west sidewalk of Folsom Street was empty of people. He saw parked cars; he did not see any cars driving by.

Officer Tiffe stated that Mr. Perez-Lopez appeared to collapse almost immediately upon his firing. Officer Tiffe did not fire again, because the immediate threat had stopped.

Officer Tiffe stated that at this time, no other force option would have been reasonable. Verbal commands and physical control efforts were ineffective. Officer Tiffe concluded that the proximity and the suspect's weapon rendered the carotid restraint, his O.C. spray, and his RCB unreasonable options, because he was facing an immediate assault with a deadly weapon. An ineffective deployment of the weapon for any reason would have required a transition to his firearm. In addition to the risk posed by the deployment of these options, because he and the suspect were separated by significantly less than 21 feet, Officer Tiffe stated that he would not have had sufficient time to transition from a lesser force option to his firearm.

Officer Tiffe described an out of body sense after recognizing the immediate threat had ended. He recalled that he holstered his firearm after firing. He was going to broadcast that there had been a shooting, but he noticed a radio on the ground (Officer Reboli's) that he mistakenly believed to be his own. As he moved to retrieve it, he heard someone yelling, "Blue on Blue" (an indication to be aware of possible confliction or crossfire), which he stated shook him from the fog.

Officer Tiffe then noticed someone was performing chest compressions on Mr. Perez-Lopez. He saw Officer Cabillo moving the driver's side of the blue Nissan Rogue. He explained, "I just kind of...I kind of feel...I snap out and I kind of feel safe, right? I get this sense of safe."

Officer Tiffe directed another officer to put up crime scene tape. He approached by Sergeant Montoya, who separated him and obtained a Public Safety Statement. Officer Tiffe was transported to Mission Station and monitored there by a male officer whose name he could not recall (he did remember that his last name is hyphenated). He suffered no physical injuries.

Throughout the course of his interview, Officer Tiffe described several indicators of high level of stress-induced arousal, including:

- narrow visual focus;
- auditory exclusion (Officer Tiffe did not hear the sound of his weapon firing);

- intrusive distracting thoughts after drawing his weapon (Officer Tiffe stated that he had a conversation with himself, saying, ‘Please, God, just drop the knife. I don’t want to have to pull the trigger’);
- temporal distortion (described as a slow motion sense of time from the moment he saw Mr. Perez-Lopez’s knife); and
- his sense of dissociation upon recognizing the immediate threat was over (Officer Tiffe described this as “like an out of body experience”).

### Physiological Considerations

The review of the full investigation, including the District Attorney’s summary report, considered aspects of Force Science.

Force Science Institute has conducted several studies regarding the biomechanics of shooting in a law enforcement context, providing data regarding the time an average officer, in a clinical environment, requires to process a stimulus, begin to fire, then process a stimulus and stop firing.

The Tempe Study examined the timing required for an officer to open fire then stop firing in reaction to a visual stimulus. This involved a series of five tests, conducted with 102 members of the Tempe, Arizona Police Department. The study determined the mean average officer under clinical conditions officers took about 0.254 seconds to perceive, process, and begin to react to a simple visual stimuli to begin shooting. 68% of officers in this study were between 0.192 and 0.316 seconds.

The mean average time from initial perception and processing to the first trigger pull (from simple stimulus) under these conditions was determined to be 0.5635 seconds, with 68% of officers measured between 0.4401 and 0.6869 seconds from stimulus to trigger pull.

A typical officer in the process of firing a weapon in response to a stimulus, shifts focus to the mechanics of the task itself. In a lethal encounter, the officer may already be experience “tunnel vision,” but as a function of the mechanics of shooting, the officer narrowly focuses on the target, limiting other information or stimuli.

Once the officer has reacted to the stimulus and started to fire, an officer will fire multiple rounds at an average speed of 0.12-0.18 seconds per round in a laboratory environment.

The study determined the mean average officer under clinical conditions officers took about 0.3521 seconds to perceive, process, and react to a simple visual stimuli then stop shooting.

By applying average timing data to the firing of five rounds, the same number fired by Officer Reboli, an officer reacting to a perceived threat would fire the first round approximately .56 seconds after the stimulus. The next four rounds, on average, would take a total time of 0.48 to 1.02 seconds to deliver. An average volley of five rounds, then, typically occurs in approximately 1.04 to 1.58 seconds, or roughly one to one and half seconds.

The officer is firing into the past. In other words, in a dynamic situation, the stimulus has evolved for an average of .56 seconds before the reaction to the stimulus occurs. During that time, the subject may shift or move, and studies have established that the subject may make significant movement. Force Science Institute's studies of movement have demonstrated that an average subject is able to complete a 180-degree turn, in 50/100 (0.50) seconds, or less time than it takes to process the shooting reaction. This measurement includes raising a firearm from a hip position and firing at 0-degrees.

On average, it takes approximately a third of a second (0.3521) before the officer process stop-firing stimulus. Given that the average officer fires successive rounds at an average rate of 0.12-0.18 seconds, so typically, officer fires two to three rounds before this stimulus can be fully processed.

This data and analysis is consistent with Charles J. Key, Sr.'s expert analysis and findings as discussed in the District Attorney's summary report. In both his interviews, Officer Reboli stated that the armed suspect was turning as he began the process of firing. Officer Reboli described the movement of Mr. Perez-Lopez westward, between the parked cars and toward the last known position of [REDACTED] s he stopped firing because Mr. Perez-Lopez dropped his knife into the street. The evidence appears consistent with Officer Reboli's account.

### Additional Issues Reviewed

During the course of this investigation, issues of concern—not directly related to the involved members actions, but regarding the investigative process—were publicly raised and subsequently reviewed.

#### *Timely Notification*

The first issue was raised by the Office of the District Attorney regarding their concerns about timely notification of their on-call personnel. On February 26, 2015, call outs following an OIS were handled through the Department Operation Center (DOC) personnel, via phone, using phone numbers provided by on-call personnel. DOC personnel attempting to contact investigators from the Office of the District Attorney were unable to reach DA personnel directly. Messages were left on answering machines. The District Attorney stated in several news accounts that the Department used incorrect numbers and that the resulting delayed response time created investigative challenges.

Available sources, including CAD printouts, DEM recordings, phone logs, crime scene logs, reports, investigative chronologicals, were reviewed. This review revealed the following sequence of events:

- The initial call for service was received by DEM at 21:44:00 hours and broadcast at 21:45:05.
- ShotSpotter records the time shots are fired as 21:47:21. Several shots can be heard during the recording of [REDACTED] call to 9-1-1 at approximately 21:47:21 or 22; [REDACTED] confirmed gunfire.
- 3D14D broadcasts shot fired at 21:47:24 and calls a “Code 33” at 24<sup>th</sup> and Folsom Street at 21:47:38. DEM received the first of several calls regarding shots fired at 21:47:49.
- The first suggestion that officers were involved was broadcast at 21:48:03; 3D14D reported a 20-year old male with a gunshot wound to the chest, adding that the officers are okay.
- At 21:48:31, Sergeant Montoya (3D113) radioed the 3D14D to ask, “Is this an OIS, 14-David?” and Officer Cabillo confirms that it is. At 21:55:09, Lieutenant Mark Im (3D204) notifies Dispatch that the 3D113 has obtained the Public Safety Statements.



- The Medical Examiner's report lists 22:03 hours as the time the Office of the Medical Examiner received notice of death.
- DOC initiated a critical incident notification process at 22:03 hours, which is when the ME reports receiving notification of the incident.
- DOC logs memorialize official notification by on-scene personnel at 22:10 hours.
- DOC logs memorialize that messages were left at 22:12 hours on two phone numbers that were identified for the Office of the District Attorney's on-call personnel. The on-call DAI and ADA identified by DOC, however, were not the correct on-call DAI and ADA specified in the DA's callout list for 02/23/15-03/02/15 and the numbers called were not the correct numbers.
- At 22:30 hours, DOC logs record that "Ray Chang" of the District Attorney's Office was confirmed notified of the OIS. DAI Officer-in-Charge Raymond Tang was among the personnel from the Office of the District Attorney who responded to the scene.
- Medical Examiner investigators were on scene at 23:17 hours, fourteen minutes after receiving notification and within the standard 30-minute expected response time for a death investigation, as referenced in DGO 6.05 subsections I.B1.c and I.D.1.b.
- The first DA personnel (DAI OIC Tang and Assistant District Attorney Michael Sullivan) logged into scene at 23:58 hours.
- At 23:59, ME personnel logged out of the crime scene, removing the decedent from the scene.
- Eighty-eight (88) minutes (1 hour and 28 minutes) elapsed from the time live notification was received by the District Attorney personnel to the time District Attorney personnel logged into the scene.

#### *Crime Scene Protocols*

The second issue of concern examined is related to the first. This issue was first publicly raised by members of the public at the July 6, 2016 Police Commission meeting. [REDACTED]

[REDACTED] 15 [REDACTED] San



Francisco)—in conjunction with the group “Justice for Amilcar Perez Lopez,” spoke during public comment and alleged that the SFPD had failed to notify the DA and had ordered the body of decedent removed before the District Attorney could conduct an investigation into misconduct. The covering of the hands for Gunshot Residue testing, the removal of property, and the movement and removal of the decedent by the ME prior to the DA’s arrival upon the orders of the SFPD were referenced as examples of what [REDACTED] referenced as “tampering with evidence.” [REDACTED] specifically alleged that the Department failed to follow protocols, inferred that this was deliberate, and asked that the Commission investigate the officers responsible for this and discipline them.

On July 13, 2016, at the following Police Commission meeting, Interim Chief Toney Chaplin addressed the concerns expressed by [REDACTED] and the Justice for Amilcar Perez Lopez group. Chief Chaplin reported that he had spoken directly to District Attorney George Gascon regarding the allegations. Chief Chaplin reported that Mr. Gascon told him that [REDACTED] had taken out of context some comments made to [REDACTED] by the District Attorney, and Chief Chaplin reported that Mr. Gascon had not expressed concern about the removal of the body.

A memorandum dated 07/18/16 was prepared by the Justice for Amilcar Perez Lopez group in rebuttal and a copy was forwarded to the Department. Titled “Removal of Amilcar’s remains prior to District Attorney investigation,” [sic] the memo repeats the allegations made by [REDACTED] on July 6, 2016, as well as Chief Chaplin’s response on July 13. The memorandum states that Chief Chaplin was incorrect in his response, citing text messages received by [REDACTED] from George Gascon. The memorandum includes two images that are purported to be screen dumps of these referenced texts.

The first text shown, reported to have been received on July 14, 2017, following the July 13 Police Commission meeting, says:

[REDACTED] Almicar’s [sic] body was removed from the scene before our arrival. Also our off hours on call team was not notified as required.

Instead the notification was made during off hours to a day time business number not staffed during off hours.

It is unclear the impact these failures to follow protocol have impacted our ability to get to the truth. We just don’t know what we don’t know.

That's the reason why we are spending so much time going back to the scene, canvassing the area and trying to find additional information before concluding our investigation.

Hope this clears up your questions.

Take care. [REDACTED]

The second message shown is cited as "an earlier text message about this matter" sent by DA Gascon to [REDACTED]

Hi [REDACTED] I believe early assertions made by the chief, removal of the deceased prior to our arrival and the failure to notify us all played a role in making our work much more difficult and in delaying outcomes.

It should be noted that the authenticity of these messages is not verified; they lack context; and there is reference to "your questions," but the questions asked were not disclosed. However, the content of the shown text messages are similar to comments attributed to the District Attorney in contemporaneous media accounts.

The Justice for Amilcar Perez Lopez group's memorandum concludes with two recommendations:

- The [Police] Commission and SFPD must enforce the established crime scene protocols about notifying the DA when a homicide occurs, and about removing a decedent's remains. Unless SFPD follows established protocols, it will continue impeding the DA's criminal investigations of officer-involved shootings.
- The [Police] Commission must investigate and appropriately discipline the officers who directed the Medical Examiner to remove Amilcar's body from the crime scene.

This investigation reviewed the concerns raised in this memo. This included a review of criminal and administrative interviews of members and witness; available data, records and reports; and CSI crime scene video and photos taken at the scene. In addition, Dr. Ellen Moffatt, M.D. the responding Assistant Medical Examiner who responded to the scene and conducted the autopsy, was debriefed for this review. Based on a preponderance of evidence, the following conclusions were reached:

1. With respect to the assertion that the District Attorney was not notified, it is clear that DOC personnel erroneously used the wrong number to contact on-call DA personnel and left messages at these extensions. The initial use of the wrong numbers and voicemail resulted in an 18-minute delay in the live notification of District Attorney personnel.

The first memorialized DA notification was attempted at 22:12, approximately two minutes after DOC received on-scene confirmation that this incident was an O.I.S. A message was left at the wrong phone number, rather than the one identified on a call-out list provided by the District Attorney for the week of 02/23/15-03/02/15.

DOC personnel followed up to confirm notification. Live notification of DA personnel was logged at DOC at 22:30 hours, approximately twenty minutes after DOC received on-scene confirmation of the O.I.S.

The error in the notification process resulted in an 18-minute delay. The specific allegation as put forth, however—that the Office of the District Attorney was not notified—is without foundation.

Since this incident, the EverBridge notification systems has been tested, adopted , implemented and successfully used. The addition of this system significantly upgrades the Department's ability to make timely, accurate notifications Citywide.

2. The assertion that the SFPD failed to observe protocols by ordering the removal of the decedent from the scene before the District Attorney arrived is unfounded.

In a telephonic interview, Dr. Moffatt stated that there was nothing unusual at this scene; that the Medical Examiner conducts its own independent investigation; and that remains are removed when the Medical Examiner has completed their on scene tasks. Dr. Moffatt explained that on scene criminal investigators are consulted, as a courtesy, but the Medical Examiner retains the authority and control of this process. Dr. Moffatt also mentioned that their staff, to the degree feasible, strives to maintain the dignity of the decedent.

Dr. Moffatt stated that at this scene Medical Examiner personnel performed a GSR test then bagged the decedent's hands; not SFPD personnel. She stated that during a search of the remains, in accordance with protocol, a cell phone was recovered on Mr. Perez-Lopez and turned over to SFPD investigators. A review of the CSI video

taken at the scene, the ME report and log, and the property receipt issued by the ME corroborated Dr. Moffatt's recollection.

In addition, it is protocol for first responding officers to render aid to all parties requiring same, once it is safe to do so. Mr. Perez-Lopez was handcuffed by Officer Reboli. Paramedics were requested to the scene, and Officer Obidi turned the suspect onto his back to conduct CPR chest compressions. This is the degree to which officers moved or manipulated Mr. Perez-Lopez after he had been shot and handcuffed. SFFD paramedics took over emergency first aid. SFFD determined that Mr. Perez-Lopez had expired, and the Office of the Medical Examiner was notified of the death, in accordance with protocol. The Medical Examiner recorded receiving notice of death at 22:03 hours.

The decedent was covered with a blanket by SFFD, preserving his dignity to the degree possible, as well as preserving evidence. The remains of Mr. Perez-Lopez were secured by SFPD officers, who stood by to ensure they were not moved, touched, or otherwise disturbed, in accordance with DGO 6.05.I.G.1.a. The condition of the body, evidence, and scene was measured and documented by CSI, including reports, sketches, photography and video.

Medical Examiner investigators arrived on scene and assumed control of the remains. The processing, search, and collection of the remains by Medical Examiner personnel in accordance with DGO 6.05.I.C and was captured on video by CSI. The act of processing the body—including but not limited to their visual assessment, GSR testing, and search and inventory—involved the movement and manipulation of the decedent from the position in which the Medical Examiner originally found him. The Medical Examiner investigators removed the remains from the scene when they were satisfied that they had completed their on-scene responsibilities. Dr. Moffatt checked with the criminal investigators on scene before preparing to leave with the remains; unfortunately, nearly an hour and half after DA personnel had been notified, DA investigators had not yet arrived on scene to weigh in. Unlike typical death investigations, however, the District Attorney had video and documentation to accurately determine the condition, position, and location of the body, evidence and scene prior to this process. It not uncommon in a death investigation for the body to have been moved or manipulated prior to the arrival of investigators, particularly as a result of first aid efforts or transportation of a mortally wounded patient.

The eighty-eight minute response time to the scene by District Attorney personnel is outside the scope of this Departmental investigation. However, the underlying fact is that in accordance with protocol, the Medical Examiner investigators were on scene within 30 minutes; assumed control of the decedent in accordance with their authority in a death investigation in the City and County of San Francisco; and left the scene—with the remains—when they had completed their on scene tasks. This activity, conducted by the Medical Examiner and publicly represented by third parties as “tampering with evidence,” conforms to standard protocol and Department policy.

3. The second message shown in the memorandum, described as an “earlier” text, mentions another point of concern regarding: “...early assertions made by the chief” Although the context of this message is not provided in the memo, based upon contemporaneous media and blog reports, as well as comments at the post-OIS Town Hall meeting, it is believed to reference Chief Gregory Suhr’s preliminary understanding and representation of events when this incident happened.

At the time of this incident, Gregory Suhr was the Chief of Police. In this particular case, the Chief’s desire to be transparent regarding Officer-Involved incidents may have resulted in miscommunication or misunderstanding.

The initial account reported by the Department was to the effect that officers fired at the suspect—the subject of a call regarding a man armed with a knife chasing [REDACTED]—after he approached them and attempted to assault them with a knife. While this may be factually true, it is semantically problematic. As subsequent information established that the suspect had been shot in the back, members of the public had difficulty reconciling the account they perceived with the evidence presented.

When an officer is involved in an Officer-Involved Shooting, he or she is compelled by a supervisor to provide a Public Safety Statement (PSS). The PSS is a series of questions are intended to ensure that immediate public safety interests are addressed, including the identification and arrest of outstanding suspects, the identification of the crime scene, and the preservation of evidence which may be fleeting. Conducted without the benefit of representation, the PSS is not a detailed statement by or interview of the involved officer. In *Ward v. City of Portland* (857 F.2d 1373, 1988) the 9<sup>th</sup> Circuit Court found that such limited information may be immediately

“coerced,” without representation, if the need is compelling. The questions may be asked of the involved officer without representation, and must be answered under threat of discipline.

In San Francisco, the involved officer should provide a separate PSS. The separated officer is then taken to a police facility by an uninvolved officer, who will monitor the involved officer. Some evidentiary processing (such as photographs and weapon collection) occurs at the police facility. Otherwise the officer remains separated from other involved or witness officers. The officer may not discuss the incident until first meeting with his or her attorney, after which the officer is the subject of a criminal interview. The monitoring officer is to ensure there is no inappropriate communication and that the officer is relatively comfortable. Involved officers are typically the last interviews conducted; statements are collected from all other identified civilian and sworn witnesses. This means that the involved officer may not be interviewed until several hours after the incident took place.

On the other hand, the supervisor taking the PSS, in accordance with the law and policy, collects some information from the involved officer, provided under duress. The supervisor has access to additional information, which may help form his or her understanding of the incident, such as radio traffic, the crime scene, and specific evidence. This information is then used by investigators to locate, identify, manage and understand the scene and the evidence within it.

The PSS is frequently a key component in development of the Department’s narrative following an OIS. Typically, witnesses, particularly the involved officers, have not typically been interviewed nor has evidence been processed or analyzed when the Department makes an initial statement. However, the PSS is comparable to limited hearsay; it is a second-hand account of an officer’s movement and basic acts based on a restricted line of questioning of an officer likely to be experiencing shock and stress in the aftermath of a lethal force encounter.

In this particular incident, the original account described by the Department—intended to provide illumination and build trust—was based on PSS information and arguably imprecise. Even though the information was qualified as “preliminary,” contemporaneous press and blog coverage, and the post-OIS Town Hall meeting, suggest that this resulted in a perception by some in the community that the Department was not forthcoming.



## Conclusion

The focus of this administrative investigation is whether Officer Eric Reboli #1651 and Officer Craig Tiffe #1312 discharged their Department-issued firearms on February 26, 2015 in accordance with San Francisco Police Department policy and procedure.

Criminal investigations were conducted by the San Francisco Police Department Homicide Detail and by the Office of the District Attorney of the City and County of San Francisco. The Homicide Detail investigation, led by Sergeant Anthony Ravano, was presented to the Office of the District Attorney for consideration its final charging decision.

On May 12, 2017, District Attorney George Gascon released the report, *Summary of Investigation and Legal Analysis of the Fatal Shooting of Amilcar Perez-Lopez on February 26, 2015*. In the his report, the District Attorney concludes, “Based on the facts, circumstances and applicable law in this matter, there is insufficient evidence to file any criminal charges against Officer Reboli or Officer Tiffe.” DA Gascon announced that Officer Reboli and Officer Tiffe would not be charged with a crime by his office.

The administrative investigation considered the criminal investigative findings, statements, and evidence, as well as applicable San Francisco Police Department policies and procedure, with particular attention paid to Department General Orders 5.01, *Use of Force*; 5.02, *Use of Firearms* (revised March 16, 2011); and 10.02, *Equipment* (revised 04/04/2007).

## Policy Review

Department General Order 5.01, *Use of Force* sets forth the conditions under which force may be used by San Francisco Police Officers to protect individuals from injury by another person, to prevent the commission of a crime, to overcome resistance, and to prevent escape. The use of force must be in accordance with legal standards in effect at the time of its use, including California Penal Code Sections 198, 834a, and 835a.

## Section 198 PC

Section 198 of the California Penal Code states:

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be

lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

POST LD 20, *Use of Force*—which all San Francisco Police Officers are taught during their BASIC Academy training—identifies the elements necessary to establish a “sufficiency of fear” in regard to the use of deadly force. LD20 (Version 3.3, 20.03.EO2) breaks down the necessary elements:

According to the law, fear alone does not justify the use of deadly force. There must be a *sufficiency of fear* for the use of deadly force to be justified. (*Penal Code Section 198*)

There are three elements needed to establish a sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
- The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer’s fear.
- The decision to use deadly force must be made *to save one’s self or another* from great bodily injury or death.

#### Section 834a PC

Section 834a of the California Penal Code imposes responsibilities on the subject who is subject to detention or arrest by a police officer.

If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.

#### Section 835a PC

Section 835a of the California Penal Code authorizes the circumstances in which an officer may use reasonable force to detain or arrest a subject. This section states that the



officer making the arrest or detention is not legally required to retreat or stop if resistance is encountered, and the officer shall not be considered the aggressor if reasonable force is used to overcome such resistance.

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

The language of 835a PC is repeated verbatim in Department General Order 5.01, *Use of Force*, subsection I.E.2.

#### Objective Reasonable Officer Standard

Use of Force instances, up to and including the use of deadly force, are evaluated in accordance with the “objective reasonable officer” standards established by the United States Supreme Court’s Graham-Connor decision (Graham v. Connor, 490 U.S. 386 (1989)).

Based on this standard, the amount of force applied shall not exceed what is reasonable to overcome the subject’s resistance to gain or maintain control of the subject. Each officer must rely on their judgment to employ objectively reasonable force for that specific situation.

The *reasonableness* of a particular use of force must be judged from the perspective of a reasonable officer. The actions should be examined through the eyes of an officer on the scene at the time the force was applied. The officer’s actions are not to be examined with the 20/20 vision of hindsight, no matter how compelling the evidence discovered afterward may be. The application of force must be evaluated based on the facts and circumstances confronting the officer, without regard to the officer’s underlying intent or motivation, and based on the knowledge that the officer acted properly under the established law at the time.

The officer is not required to have made the best decision or the same decision the reviewer favors; the officer is required to have made a reasonable decision, based on the totality of the circumstances, the information known to the officer at the time, and his or her training and experience.

As affirmed in Section of Department General Order 5.01, *Use of Force*, the use of force is judged from the perspective of a reasonable officer, using the test:

- Would of officer with same or similar training and experience;
- Facing same or similar circumstances;
- Act in the same way or use similar judgment?

Factors that are to be considered in the evaluation are:

- The severity of the crime at issue;
- The threat of the suspect to citizens and officers;
- The level of active resistance or effort to escape.

Federal courts have repeatedly affirmed this landmark 1989 decision, finding that the calculus of reasonableness must make allowance for the fact that police officers are often forced to make split-second judgments—in situations that are tense, uncertain, and rapidly evolving—about the amount of force applied in a particular situation.

As affirmed by the 9<sup>th</sup> Circuit decision in *Scott vs. Henrich* (39 F.3d 912 (9<sup>th</sup> Circuit. 1994)), the evaluation of force is whether it is reasonable and justified. Officers are not required by law to use the least intrusive force, but a reasonable application of force.

DGO 5.01, *Use of Force* (Rev. 10/04/95)

On December 21, 2016, the Department issued a revised Department General Order 5.01, *Use of Force*. Department General Order 5.02, *Use of Firearms* was rescinded and its topic folded into the revised DGO 5.01. This incident occurred prior to the adoption of the new policy, under the policy established by DGO 5.01, *Use of Force* (revised October 04, 1995) and DGO 5.02, *Use of Firearms* (revised March 16, 2011). This review is based upon the policy and law in place at the time of this incident.

Section D of DGO 5.01, *Use of Force* authorized force options for the San Francisco Police Department.

**D. CATEGORIES OF FORCE TO EMPLOY (In ascending order of gravity)**

1. When the use of force is necessary and appropriate, officer shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
  - a. Verbal Persuasion
  - b. Physical Control (e.g, passive resister, bent wrist control, excluding the carotid restraint)
  - c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
  - d. Carotid Restraint
  - e. Department Issued Baton
  - f. Firearm
2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

Section E of DGO 5.01, *Use of Force* defined reasonable force and reiterates the right of an officer under Section 835a of the California Penal Code to use reasonable force to effect and arrest, prevent escape, effect or overcome resistance.

**E. REASONABLE FORCE**

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to use of force that more quickly, humanely, and safely brings an arrestee under physical control.

2. Penal Code Section 835a provides that, “*Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance.*” [Italicized text is the author’s, as in the printed order.]

Section F of DGO 5.01, *Use of Force* authorized when and how force may be justifiably used by San Francisco Police Officers.

#### **F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE**

3. Officers may use force in the performance of their duties in the following circumstances:
  - a. To prevent the commission of a public offense.
  - b. To prevent a person from injuring himself/herself.
  - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
  - d. In self defense or in the defense of another person.
4. Before using force, the officer should consider these questions:
  - a. What actions on the part of the suspect justify the use of force?
  - b. What crime is being or has been committed?
  - c. Does the situation require the immediate use of force?

#### DGO 5.02, *Use of Firearms* (Rev. 03/16/11)

Department General Order 5.02, *Use of Firearms*, revised March 16, 2011, set forth how and when San Francisco Police Officers are permitted to draw and utilize a firearm.

Section 1.B HANDLING AND DRAWING FIREARMS set forth the conditions under which an officer may draw his firearm, as follows:

1. **HANDLING FIREARMS.** An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.
2. **AUTHORIZED CIRCUMSTANCES.** An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. When an officer determines that the threat is over, the officer shall holster his or her firearm or hold the shoulder weapon in port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person and the person is not arrested, and if the circumstances permit, the officer should tell the individual the reason the officer drew the firearm.
3. **DRAWING OTHERWISE PROHIBITED.** An officer shall not draw a Department-issued firearm except as authorized by this order, for inspection by a superior, maintenance, safekeeping, or Department-approved training.

Department General Order 5.02, *Use of Firearms*, Section I.C.1 PERMISSIBLE CIRCUMSTANCES enumerated the circumstances in which an officer is permitted to fire his weapon.

### **C. Discharge of Firearms**

1. **PERMISSIBLE CIRCUMSTANCES.** Except as limited by sections C.4 and C.5, an officer may discharge a firearm in any of the following circumstances:
  - a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
  - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an

imminent danger of death or serious bodily injury to the officer or any other person.

c. To apprehend a person when both of the following circumstances exist:

- (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; and
- (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.

e. To signal for help for an urgent purpose when no other reasonable means can be used.

2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officers or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

3. REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

DGO 10.02, *Equipment* (Rev. 04/04/07)

Department General Order 10.02, *Equipment* specifies required and optional equipment for uniformed and non-uniformed officers. Subsection I.E, REQUIRED EQUIPMENT enumerates the requirements of plainclothes officers in subsection I.E.2, ON-DUTY OFFICERS/CIVILIAN DRESS, as follows:

2. Officers of all ranks, while on duty in civilian dress, shall be equipped with the following equipment:
  - a. Star.

- b. Department identification card.
  - c. Department issued firearm fully loaded with Department-issued ammunition.
  - d. One extra magazine for the Department-issued firearm, fully loaded with Department-issued ammunition in a Department-issued magazine pouch.
  - e. Handcuffs and key.
  - f. Call box key.
  - g. Whistle.
  - h. Miranda warning card.
  - i. Combination magazine/handcuff case.
  - j. Department-issued holster.
  - k. Department-issued chemical agent.
  - l. Department-issued impact weapon.
  - m. Department-issued radio.
3. EXCEPTION: Commissioned Officers and Officers performing investigative on non-investigative, non-patrol, or specialized function can be exempted from the requirements previously listed in E-1 and E-2 with their commanding officer's approval. If the amended equipment includes a firearm, the officer must comply with the provisions concerning secondary firearms

### Investigative Conclusions

After examination of the totality of this incident, the relevant policy, the investigative conclusions, and other considerations described in this report, the following conclusions have been derived, based on a preponderance of evidence:

- Plainclothes Officers Reboli and Tiffe responded as backup to the 2800 block of Folsom Street regarding a 5'5" Hispanic male dressed in black and armed with a knife chasing [REDACTED] with a similar description north on Folsom Street.
- First on the scene, the officers saw [REDACTED] circling each other on the east side of the middle of the block, stopped their vehicle about two car lengths away and approached on foot.

- Officer Reboli approached [REDACTED] who was streetside, from the driver's position. Officer Tiffe approached Mr. Perez-Lopez, who was on the sidewalk, from the passenger position.
- Officer Reboli could see both hands of [REDACTED] who looked fatigued and appeared to acknowledge his commands. He closed in and detained the [REDACTED]
- As Officer Tiffe approached Mr. Perez-Lopez from his left side, the officer continuously identified himself and gave commands to back away from the car. Officer Tiffe could see that Mr. Perez-Lopez's left hand was free, but he could not see Mr. Perez-Lopez's right hand. Officer Tiffe received no acknowledgement from Mr. Perez Lopez. When Officer Tiffe closed within a few feet of the suspect, Mr. Perez-Lopez glared at Officer Tiffe in a way that suggested to him that Mr. Perez-Lopez was in an altered mental state.

Officer Tiffe stated that as approached Mr. Perez-Lopez, he could not see Mr. Perez-Lopez's hand, although he was aware that he was at a call regarding a man with a knife chasing [REDACTED]. Officer Tiffe also the expression of the suspect led him to believe that the subject may be in an altered mental state. Although he had handled numerous similar calls during his career, Officer Tiffe sensed that this was not a routine stop, in large part due to Mr. Perez-Lopez's absence of response.

- As he approached, Officer Tiffe did not have his O.C. spray canister, impact weapon, or spare magazines on his person. They were in a duty bag inside his vehicle, **in violation of DGO 10.02.I.D.2.d, k and l.**

In a few seconds, this encounter rapidly transitioned from verbal commands and physical control to deadly force. Having closed within a few feet of Mr. Perez-Lopez, Officer Tiffe attempted to physical guide him when Mr. Perez-Lopez presented the opportunity., given that Mr. Perez-Lopez had made no overt act of physical resistance. Once the physical struggle was rapidly initiated, Mr. Perez-Lopez almost immediately revealed himself to be a deadly threat. Transition at to a force option other than his firearm in the circumstances faced by Officer Tiffe would have placed Officer Tiffe at unnecessary risk. Nonetheless, had the suspect been disarmed or the situation other became static, Officer Tiffe denied himself the ability to transition to a lesser force option, should it have become opportune.



- Mr. Perez-Lopez threw his left hand up toward Officer Tiffe, who had closed within a few feet. Taking advantage of this presentation, Officer Tiffe grabbed Mr. Perez-Lopez's left wrist with his left hand and pulled at the shoulder/neck area of Mr. Perez-Lopez's clothing, intending to pull him from the curb toward the property line.

Officer Tiffe articulated reasonable explanations regarding this attempt to physically control Mr. Perez-Lopez once he had approached within range and Mr. Perez-Lopez presented an opportunity to him.

- Mr. Perez-Lopez resisted Officer Tiffe's effort, bending forward and down, before pushing upward.
- Officer Tiffe, unaware at this moment that Mr. Perez-Lopez was wielding a knife against him, recognized that his own hands were nearly position for an arm-bar take-down. He did not attempt to transition to the arm-bar, instead he unsuccessfully attempted to use direct strength to push the suspect to the ground.
- Mr. Perez-Lopez countered Officer Tiffe's effort; he lunged upward, then swept his right across the front of Officer Tiffe. When he completed his swing, Officer Tiffe realized Mr. Perez-Lopez was holding a large knife in his right hand.
- Officer Tiffe pushed away, retreated southeast, and drew his firearm. Mr. Perez-Lopez was swinging the knife menacingly at Officer Tiffe, who was twisting out of its path. Officer Tiffe's drawing of his firearm was in **accordance with DGO 5.02.I.B.2, AUTHORIZED CIRCUMSTANCES.**
- Officer Reboli released [REDACTED] to the west and headed to assist his partner. Officer Reboli believed that his partner had been stabbed by Mr. Perez-Lopez.
- Mr. Perez-Lopez turned his attention to the advancing Officer Reboli. Moving toward the officer, Mr. Perez-Lopez made continuous slashing motions. Officer Reboli retreated and drew his firearm. Officer Reboli's drawing of his firearm was in **accordance with DGO 5.02.I.B.2, AUTHORIZED CIRCUMSTANCES.**
- As heard by numerous witnesses, the officers repeatedly ordered the suspect to drop his weapon. One or both officers warned him that he would be shot if he did

not comply with their order. Their warnings were **in accordance with DGO 5.02.I.C.2, VERBAL WARNING.**

- Mr. Perez-Lopez stepped toward Officer Reboli, then pivoted back in the direction of [REDACTED].
- Officer Reboli fired five rounds from his Department-issued at Mr. Perez-Lopez, believing that there was an immediate threat of deadly assault on himself and [REDACTED]. [REDACTED] He believed Officer Tiffe was stabbed and down, and that he had already suffered serious injury and was in imminent threat of deadly assault if the threat posed by Mr. Perez-Lopez was not stopped. Officer Reboli's firing in defense of himself, his partner, and [REDACTED] **in accordance DGO 5.02, Sections I.C.1.a and b.**
- Officer Tiffe fired one round at Mr. Perez-Lopez, believing the suspect was moving to assault [REDACTED] and represented an immediate threat of death or serious bodily injury. Officer Tiffe's firing in defense of [REDACTED] **in accordance with DGO 5.02, Section I.C.1.b.**
- Officer Reboli or Officer Tiffe had witnessed Mr. Perez-Lopez attempt violent, felonious assaults against them and had reason to believe he had similarly assaulted [REDACTED]. The officers were aware that Mr. Perez-Lopez was likely to injure [REDACTED] the officers, or someone else if his apprehension was delayed. The officers' use of their firearms to apprehend Mr. Perez-Lopez under these circumstances is **in accordance with DGO 5.02, Section I.C.1.c.**
- Despite the tense, uncertain, and rapidly unfolding nature of this dynamic encounter, Officer Tiffe and Officer Reboli were each aware of his respective background when he fired. Both officers weighed available force options before firing, including unconventional options (such as Officer Reboli considering using his radio as a projectile). Each officer fired only when he believed the threat necessitated the use of lethal force. Each officer stopped firing as soon as he recognized the immediate threat was over. Despite the effects high stress arousal and shock, Officer Reboli had the presence of mind to sweep the west side of Folsom Street for possible unintended injuries. To the extent practical, the officers exercised reasonable care to avoid jeopardizing the safety of innocent members of

the public, in accordance with DGO 5.02, Section I.C.3, **REASONABLE CARE**.

- Back up officers arrived on scene as shots were fired. Supervisors were notified as soon as feasible, enabling a coordinated response to preserve the scene and evidence, **satisfying the requirements of DGO 5.02, Section I.D, REPORTING DISCHARGE OF FIREARMS.**

### **Recommendations**

Based on the investigations summarized above, the following recommendations are hereby made:

**It is recommended that Officer Eric Reboli's use of his Department-issued firearm February 26, 2015 be deemed *In Policy*.**

**It is recommended that Officer Craig Tiffe's use of his Department-issued firearm February 26, 2015 be deemed *In Policy*.**

**It is recommended that Officer Craig Tiffe's failure to carry his O.C. canister, impact weapon, and spare magazine on his person on February 26, 2015 be deemed *Not In Policy/Neglect of Duty*.**

**It is recommended that Officer Craig Tiffe be referred to the Academy for a training assessment, in order to identify and provide appropriate internal and/or outside training to address:**

- **Equipment requirements of plainclothes San Francisco Police officers, as specified in Department General Order 10.02;**
- **Tactical and officer safety considerations in high risk and violent crime stops.**

Since this incident, the Department has addressed problematic notifications, adopting the EverBridge notification system. EverBridge has been tested, implemented, and utilized since this incident. This is an automated notification service that pushes notifications over multiple platforms (e.g., phone, texts, email, etc.) in the event of a critical incident. Partner agencies enroll their personnel, including multiple contact points, to ensure prompt and accurate notice. Notifications are sent simultaneously through specified platforms, and the notices are repeated until on-call personnel individuals acknowledge

their receipt. This system addresses issues that contributed to the 18-minute delay in the notification of the D.A. personnel in this incident.

Based on this case, as well as other recent investigations by this unit, the following recommendations are made with respect to Departmental communications in the course of Officer-Involved Shootings investigations (as well as In-Custody Deaths):

- If it has not already done so, the Department should ensure that clear guidelines are enacted, in writing, regarding its release of information at the outset of an Officer-Involved Shooting or In-Custody Death. Such guidelines must take into consideration the fact that the investigation evolves dramatically throughout the first twelve to twenty-four hours, and information gathered at the scene includes substantial hearsay and conjecture.

While balancing the public's right to be informed and the Department's desire to be transparent with the investigative integrity and deliberative process of the investigation, the Department must understand that it "cannot put toothpaste back in the tube." Initial information must be understood to be partial, if not suspect, and "preliminary" statements or release of information by the Department at the outset of an investigation must be carefully vetted for accuracy and appropriateness.

- Department Bulletin 17-149, *Release of Information to the News Media and/or Public Regarding Homicide Detail Investigations* was re-issued on July 5, 2017. This bulletin places clear restrictions on what may be said to the press and public about a case being investigated by Homicide Detail and establishes a process for releasing information. This bulletin applies to O.I.S. cases, because they are criminally investigated by the Homicide Detail, whether or not a death is involved.

Should the criminal investigation of O.I.S. cases be handled by another unit, this policy should be revised to cover those circumstances.

IAD SUMMARY REPORT—OIS #15-003

It is respectfully recommended that if discipline is deemed appropriate, based on the findings of this investigation, that it is consistent with the SFPD schedule of discipline.

It is respectfully recommended that this case be forwarded to the Firearm Discharge Review Board for review per Department General Order 8.11.

Prepared by:



Sergeant John Crudo #1694

Date: 7/11/17

Approved by:



Lieutenant R. Andrew Cox #287

Date: 7/21/17



LONDON N. BREED  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158

August 1, 2018



WILLIAM SCOTT  
CHIEF OF POLICE

The Commanding Officer of the Internal Affairs Division recommends that this case, having been presented to and reviewed by the Firearm Discharge Review Board, be classified as indicated:

**RECOMMENDATION:**

**OFFICER-INVOLVED SHOOTING**

**Officer Eric Reboli #1621**

Officer-Involved Shooting  
In Policy/Proper Conduct  
*No Further Action*

**Sergeant Craig Tiffe #1312**

Officer-Involved Shooting  
In Policy/Proper Conduct

Neglect of Duty  
(re: DGO 10.02)  
Improper Conduct  
*Admonishment/Retraining*

**RETRAINING:**

**Sgt. Craig Tiffe #1312** shall be retrained on DGO 10.02 by his Platoon Commander. The training shall be documented in a memorandum by Sgt. Tiffe and placed in his personnel file.

I Concur

✓

Acting Captain  
Lt. William Braconi #2246

*I concur*

*WSB 8/2/18*

I do not Concur

**WILLIAM SCOTT**  
Chief of Police

Date

8/20/18

I.A.D. O.I.S. Case #15-003  
/IF

Assistant Chief Hector M. Sainez #1667  
Chief of Staff

*I concur*

*1 concur*  
Commander Peter D. Webb #206  
Office of Chief of Staff

*8.13.18*

08/13/18

**INTERNAL AFFAIRS DIVISION  
CASE EVALUATION**

Evaluation by Lieutenant R. Andrew Cox #287

July 31, 2018

IAD OIS Case #15-0

**MEMBER(S) INVOLVED:**

Ofc. Eric Reboli #1651

( )

Ofc. Criag Tiffe #1312

**ALLEGATION(S):**

Officer Involved Shooting  
Neglect of Duty

**FINDINGS:**

**Facts of the Case:**

- This incident occurred prior to DGO 5.02 being rescinded and incorporated into DGO 5.01 (revised 12/21/16).
- Ofc. Tiffe has since been promoted to the rank sergeant and will be listed as such in this evaluation.
- On 02/26/15, Ofc. Reboli and Sgt. Tiffe were working as the 3D39 (plainclothes).
- At approx. 2144 hrs, Ofc. Reboli and Sgt. Tiffe responded as backup for the 3D14E regarding a Latin male with a knife chasing near Folsom and 24<sup>th</sup> St.
- Ofc. Reboli and Sgt. Tiffe arrived on scene and attempted to detain (V) and (S) Amilcar Perez-Lopez, who matched the broadcast description.
- Ofc. Reboli approached and detained
- Sgt. Tiffe approached but failed to detain Perez-Lopez.
- Perez-Lopez wielded a knife toward Sgt. Tiffe.
- The officers drew their firearms and yelled warnings to drop the knife to Perez-Lopez.
- Ofc. Reboli feared he, Sgt. Tiffe, and were at risk of an immediate deadly attack from Perez-Lopez.
- Sgt. Tiffe feared that was at risk of an immediately deadly attack from Perez-Lopez.
- Both officers then fired their department issued firearms at Perez-Lopez, striking him six times.
- Ofc. Obidi #2328 and Ofc. Mayo #2308 arrived and Ofc. Obidi initiated CPR on Perez-Lopez.
- Ofc. Obidi was relieved by SFFD paramedics. The paramedics determined that further lifesaving efforts were not warranted. The Medical Examiner was notified of Perez-Lopez' death at 22:03 hours.

- Statements from more than 50 individuals were taken during the investigation.
- On April 12, 2017, District Attorney Gascon released a 25-page report summarizing his Office's investigation and analysis.
- The DA concluded: *Based on the facts, circumstances, and applicable law in the matter, there is insufficient evidence to file any criminal charges against Officer Reboli or Officer Tiffe.*
- During the IAD investigation, the following was found:
  1. Ofc. Reboli and Sgt. Tiffe attempted to effect a legal stop of [REDACTED] and Perez-Lopez.
  2. Sgt. Tiffe and Ofc. Reboli each drew their firearm in response to an immediate attack, likely to cause death or serious bodily injury, **in accordance with DGO 5.02.I.B.2.**
  3. The officers repeated warnings to drop the knife, **in accordance with DGO 5.02.I.C.2.**
  4. Ofc. Reboli fired in the defense of himself, Sgt. Tiffe and [REDACTED], from an immediate life-threatening assault, **in accordance with DGO 5.02.I.B.a-c.**
  5. Sgt. Tiffe fired in defense of [REDACTED] from an immediate life-threatening assault, **in accordance with DGO 5.02.I.B.b and c.**
  6. Both officers were mindful of the safety of the public, **in accordance with DGO 5.02.I.C.3.**
  7. Immediate notification was made regarding the shooting, **in accordance with DGO 5.02.I.D.**
  8. Sgt. Tiffe did not have a spare magazine, OC, or impact weapon on his person when he approached Mr. Perez-Lopez, **in violation of DGO 10.02.I.D.2.d., k and l.**
- The case was presented to the Third Quarter 2017 FDRB. The panel voted unanimously to accept the recommendation of In Policy.

**Section(s) Referenced:**

DGO 2.01, rule 10 WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors.

DGO 5.01 USE OF FORCE

DGO 5.02 USE OF FIREARM

DGO 10.02 EQUIPMENT

[REDACTED]



[REDACTED]

[REDACTED]

The Officer in Charge of the Internal Affairs Division concurs with the investigative findings of Sgt. John Crudo that the following finding(s) should be made:

**RECOMMENDATION:**

**Ofc. Eric Reboli #1621**

**Officer Involved Shooting  
In Policy/Proper Conduct  
*No Further Action***

**Sgt. Craig Tiffe #1312**

**Officer Involved Shooting  
In Policy/Proper Conduct**

**Neglect of Duty  
(re: DGO 10.02)  
Improper Conduct  
*Admonishment/Retraining***

**RETRAINING:** Sgt. Craig Tiffe #1312 shall be retrained on DGO 10.02 by his Platoon Commander. The training shall be documented in a memorandum signed by Sgt. Tiffe and placed in his personnel file.

# Memorandum

San Francisco Police Department



To: Lt. Michael D. Philpott #65  
Commanding Officer  
Night Investigations

APPROVED YES NO

From: Lieutenant R. ANDREW COX  
Commanding Officer  
Internal Affairs Division

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: Thursday, August 30, 2018

Subject: ALW IAD OIS Case #15-003 -Direction to Admonish Sergeant Craig Tiffe  
#1312

On February 26, 2015, Officer Reboli and Sgt. Tiffe were working as the 3D39 (plainclothes) unit. At approximately 2144 hours, both officers responded as backup for 3D14E regarding a Latin male with a knife chasing [REDACTED] near Folsom and 24<sup>th</sup> Street. They arrived on scene and attempted to detain [REDACTED], [REDACTED] and Amilcar Perez-Lopez. Sgt. Tiffe approached and attempted to detain Mr. Perez-Lopez. Mr. Perez-Lopez wielded a knife towards Sgt. Tiffe. Both officers drew their firearms and yelled repeated warnings to Mr. Perez-Lopez to drop his knife. Both officers feared that they, along with [REDACTED], were at risk of an immediate deadly attack from Mr. Perez-Lopez. Both officers drew their firearm and fired in the direction of Mr. Perez-Lopez striking him six times. Statements from more than 50 individuals were taken during the investigation and the District Attorney concluded that there was insufficient evidence to file any criminal charges. The IAD investigation that followed found that the officer's conduct was within Department policy. However, Sgt. Tiffe did not have a spare magazine, OC, or impact weapon on his person when he approached Mr. Perez-Lopez. This failure on the part of Sgt. Tiffe is considered Neglect of Duty in violation of Department General Order 10.02.I.D.2.d, K and I.

**The Chief of Police has ordered that Sgt. Tiffe be admonished and retrained regarding his conduct in this matter.**

*This order for an admonishment does not constitute discipline.* Please return this memorandum to the Internal Affairs Division when the admonishment and retraining has been completed, so we can close our file.

Sergeant Craig Tiffe #1312 was admonished and retrained regarding this matter on September 5, 2018.

Lt. Michael D. Philpott #65